MORGAN HILL UNIFIED SCHOOL DISTRICT

RIGHTS AND RESPONSIBILITIES HANDBOOK FOR PARENTS and STUDENTS 2026-2027

Morgan Hill Unified Mission Statement:

The Morgan Hill Unified School District's central purpose is to educate students. In partnership with parents and the community, we create learning environments where all students learn and are empowered to achieve their unique potential. We model and nurture civility, respect, compassion, personal responsibility, curiosity and integrity in an environment of diversity, equity and service.

Dear MHUSD Parents and Guardians,

Welcome to a new school year in Morgan Hill Unified School District! We look forward to another year of learning, growth, and partnership with you and your student(s).

This handbook is designed to help you feel informed, prepared, and connected throughout the school year. It includes important policies, laws, school rules, and responsibilities that support your student's safety and success—some to know right away and others to reference as the year progresses. We will notify you if any policies in this booklet change due to public health requirements or other circumstances.

Please note that beginning in August, our schools will be implementing a new cell phone policy that supports appropriate restrictions on personal smart devices in a manner that promotes a gradual increase in the release of responsibility as students progress through grade levels. The cell phone policy can be found on pages 82-84 in this handbook.

We encourage you to read this handbook with your student and together talk about school rules and student responsibilities. These behavior expectations and school rules help foster classrooms and campuses where students can learn, belong, and thrive. Regular attendance is also essential to your student's success, and we appreciate your partnership in helping your student attend school every day.

Please pay particular attention to pages 95–123, which outline student behavior expectations, positive behavior supports and interventions, and student rights related to suspension, notification, and due process. Also, please review pages 161–178 for a summary of our attendance policies.

Please sign and return the following forms to your student's school as part of registration:

1) **Receipt of Rights and Responsibilities Handbook (page 324)**
2) **Responsible Use Agreement (Student) (page 318)**

Additional forms for your signature can be found on pages 315-317:

3) Withhold Authorization to Video/Photograph Minors for Publication
4) Animals in the Classroom
5) Parent/Guardian Notice Release of Directory Information

Please keep this handbook for future reference as a helpful resource for you and your student.

We look forward to partnering with you and your student(s) to make this school year welcoming, positive, and enriching for all.

Thank you,

Dr. Carmen García
Superintendent

TABLE OF CONTENTS ** **Page**

Nondiscrimination Statement (BP 0410) 2
Parents Rights & Responsibilities (BP/AR 5020) 3
Parent Involvement (BP/AR/E 6020) 9
Notice of Rights of Parents and Children Regarding Special Education 19
Uniform Complaint Procedures (BP/AR/E 1312.3) 30
Notice of Parent & Student Rights Under Section 504, The Rehabilitation Act of 1973 46
Sexual Harassment (BP/AR 5145.7) 47
NonDiscrimination/Harassment (BP/AR 5145.3) 52
Conduct (BP/AR 5131 series) 65
Maintaining Appropriate Adult Student Interaction (BP 4119.24, 4219.24, 4319.24) 84
School Rules & Behavior Standards 95
Discipline (BP/AR 5144 series) 96
Exclusion From Attendance (AR 5112.2) 123
Grades/Evaluations of Student Achievement (BP/AR 5121) 127
Promotion, Acceleration & Retention (BP/AR 5123) 134
Standardized Testing 137
High School Graduation Requirements (BP/AR 6146.1) 137
Differential Graduation & Competency Standards for Students with Disabilities (BP 6146.4) 153
Intradistrict Open Enrollment (BP/AR 5116.1) 158
Attendance Policies and Procedures 161
Admission (Students) (BP/AR/E 5111 series) 179
Student Use of Technology (BP 6163.4) 211
Communication with Public (BP 1100) 213
Additional Rights 243
Attendance Practice Update 306
School Calendar 309
Career Technical Education (CTE) Annual Notification 310

Forms

Withhold Authorization to Video/Photograph Minors for Publication 315
Animals in the Classroom 316
Parent/Guardian Notice Release of Directory Information 317
Student-Technology Acceptable Use Agreement 318
Receipt of Rights and Responsibility Materials 324

**** All policies are subject to updates throughout the year. Please refer to the MHUSD website for the most current adoptions.**

Philosophy, Goals, Objectives, and Comprehensive Plans BP 0410

NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES

The Governing Board is committed to providing equal opportunity for all individuals in district programs and activities. District programs, activities, and practices shall be free from unlawful discrimination, including discrimination against an individual or group based on race, color, ancestry, nationality, national origin, immigration status, ethnic group identification ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity gender expression, or genetic information; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

All individuals shall be treated equitably in the receipt of district and school services. Personally identifiable information collected in the implementation of any district program, including, but not limited to, student and family information for the free and reduced-price lunch program, transportation, or any other educational program, shall be used only for the purposes of the program, except when the Superintendent or designee authorizes its use for another purpose in accordance with law. Resources and data collected by the district shall not be used, directly or by others, to compile a list, registry, or database of individuals based on race, gender, sexual orientation, religion, ethnicity, national origin, or immigration status or any other category identified above.

District programs and activities shall be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames.

Annually, the Superintendent or designee shall review district programs and activities to ensure the removal of any derogatory or discriminatory name, image, practice, or other barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing district programs and activities. He/she shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report his/her findings and recommendations to the Board after each review.

All allegations of unlawful discrimination in district programs and activities shall be investigated and resolved in accordance with the procedures specified in AR 1312.3 - Uniform Complaint Procedures.

Pursuant to 34 CFR 104.8 and 34 CFR 106.9, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the district's policy on nondiscrimination and related complaint procedures. Such notification shall be included in the annual parental notification distributed pursuant to Education Code 48980 and, as applicable, in announcements, bulletins, catalogs, handbooks, application forms, or other materials distributed by the district. The notification shall also be posted on the district's web site and, social media and in district schools and offices, including staff lounges, student government meeting rooms, and other prominent locations as appropriate.

In addition, the annual parental notification shall inform parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, including information on educational rights issued by the California Attorney General. Alternatively, such information may be provided through any other cost-effective means determined by the Superintendent or designee. *(Education Code 234.7)*

The district's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. In addition, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language.

Access for Individuals with Disabilities

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act (ADA) and any implementing standards and/or regulations. When structural changes to existing district facilities are needed to provide individuals with disabilities access to programs, services, activities, or facilities, the Superintendent or designee shall develop a transition plan that sets forth the steps for completing the changes.

The Superintendent or designee shall ensure that the district provides appropriate auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, notetakers, written materials, taped text, and Braille or large print materials.

Individuals with disabilities shall notify the Superintendent or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to the school-sponsored function, program, or meeting.

The individual identified in *AR 1312.3* - Uniform Complaint Procedures as the employee responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws is hereby designated as the district's ADA coordinator. He/she shall receive and address requests for accommodation submitted by individuals with disabilities, and shall investigate and resolve complaints regarding their access to district programs, services, activities, or facilities.

Assistant Superintendent Human Resources
15600 Concord Circle, Morgan Hill, CA 95037
408-201-6018

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: June 19, 2018 Morgan Hill, California

Students BP 5020

PARENT RIGHTS AND RESPONSIBILITIES

The Governing Board recognizes that parents/guardians of district students have certain rights as well as responsibilities related to the education of their children.

The Board believes that the education of the district's students is a shared responsibility. The Superintendent or designee shall work with parents/guardians, including parents/guardians of English learners, to determine appropriate roles and responsibilities of parents/guardians, school staff and students for continuing the intellectual, physical, emotional and social development and well-being of students at each school site, including the means by which the schools and parents/guardians can help students achieve academic and other standards of the school.

Within this framework, the school's primary responsibility shall be to provide a high-quality curriculum and instructional program in a supportive and effective learning environment that enables all students to meet the academic expectations of the school.

Parents/guardians shall have the opportunity to work with schools in a mutually supportive and respectful partnership and to help their children succeed in school. *(Education Code 51100)*

The Superintendent or designee shall ensure that district staff understand the rights of parents/guardians afforded by law and Board policy and follow acceptable practices that respect those rights.

The Superintendent or designee shall ensure that parents/guardians receive notification regarding their rights in accordance with law.

The Superintendent or designee shall take all reasonable steps to ensure that all parents/guardians who speak a language other than English are properly notified in English, and in their home language of the rights and opportunities available to them pursuant to *Education Code 48985. (Education Code 51101.1)*

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: November 13, 2012 Morgan Hill, California

Students AR 5020

PARENT RIGHTS AND RESPONSIBILITIES

Parent/Guardian Rights

The rights of parents/guardians of district students include, but are not limited to, the following:

1. To observe, within a reasonable period of time after making the request, the classroom(s) in which their child is enrolled or for the purpose of selecting the school in which their child will be enrolled *(Education Code 51101)*

   Parents/guardians may observe instructional and other school activities that involve their child in accordance with Board policy and administrative regulations adopted to ensure the safety of students and staff, prevent undue interference with instruction or harassment of school staff, and provide reasonable accommodation to parents/guardians. Upon written request by a parent/guardian, the Superintendent or designee shall arrange for parental observation of a class or activity in a reasonable time frame and in accordance with Board policy and administrative regulations. *(Education Code 49091.10)*

2. To meet, within a reasonable time of their request, with their child's teacher(s) and the principal *(Education Code 51101)*

3. Under the supervision of district employees, to volunteer their time and resources for the improvement of school facilities and school programs, including, but not limited to, providing assistance in the classroom with the approval, and under the direct supervision, of the teacher *(Education Code 51101)*

4. To be notified on a timely basis if their child is absent from school without permission *(Education Code 51101)*

5. To receive the results of their child's performance and the school's performance on standardized tests and statewide tests *(Education Code 51101)*

   For parents/guardians of English learners, this right shall include the right to receive the results of their child's performance on the English language development test. *(Education Code 51101.1)*

6. To request a particular school for their child and to receive a response from the district *(Education Code 51101)*

7. To have a school environment for their child that is safe and supportive of learning *(Education Code 51101)*

8. To examine the curriculum materials of the class(es) in which their child is enrolled *(Education Code 51101; 20 USC 1232h)*

   Parents/guardians may inspect, in a reasonable time frame, all primary supplemental instructional materials and assessments stored by the classroom teacher, including textbooks, teacher's manuals, films, audio and video recordings, and software. *(Education Code 49091.10)*

   Each school site shall make available to parents/guardians and others, upon request, a copy of the prospectus for each course, including the titles, descriptions and instructional aims of the course. *(Education Code 49091.14)*

   The school may charge an amount not to exceed the cost of duplication. *(Education Code 49091.14)*

9. To be informed of their child's progress in school and of the appropriate school personnel whom they should contact if problems arise with their child *(Education Code 51101)*

10. For parents/guardians of English learners, to support their child's advancement toward literacy *(Education Code 51101.1)*

    The Superintendent or designee may make available, to the extent possible, surplus or undistributed instructional materials to parents/guardians pursuant to *Education Code 60510. (Education Code 51101.1)*

11. For parents/guardians of English learners, to be informed, through the school accountability report card, about statewide and local academic standards, testing programs, accountability measures and school improvement efforts (*Education Code 51101.1)*

12. To have access to the school records of their child *(Education Code 51101)*

13. To receive information concerning the academic performance standards, proficiencies or skills their child is expected to accomplish *(Education Code 51101)*
14. To be informed in advance about school rules, including disciplinary rules and procedures in

accordance with *Education Code 48980,* attendance policies, dress codes and procedures for visiting the school *(Education Code 51101)*

15. To be notified, as early in the school year as practicable pursuant to *Education Code 48070.5*, if their child is identified as being at risk of retention and of their right to consult with school personnel responsible for a decision to promote or retain their child and to appeal such a decision *(Education Code 51101)*

16. To receive information about any psychological testing the school does involving their child and to deny permission to give the test *(Education Code 51101)*

17. To refuse to submit or to participate in any assessment, analysis, evaluation or monitoring of the quality or character of the student's home life, any form of parental screening or testing, any nonacademic home-based counseling program, parent training, or any prescribed family education service plan and to inspect any survey collecting personal information *(Education Code 49091.18; 20 USC 1232h)*

18. To participate as a member of a parent advisory committee, school site council or site-based management leadership team in accordance with any rules and regulations governing membership in these organizations *(Education Code 51101)*

    For parents/guardians of English learners, this right shall include the right to participate in school and district advisory bodies in accordance with federal and state law and regulations. *(Education Code 51101.1)*

19. To question anything in their child's record that the parent/guardian feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the school *(Education Code 51101)*

20. To provide informed, written parental consent before their child is tested for a behavioral, mental or emotional evaluation. A general consent, including medical consent used to approve admission to or involvement in a special education or remedial program or regular school activity, shall not constitute written consent for these purposes. *(Education Code 49091.12)*

Parent Responsibilities

Parents/guardians may support the learning environment of their child by: *(Education Code 51101)*

1. Monitoring attendance of their child
2. Ensuring that homework is completed and turned in on time
3. Encouraging their child to participate in extracurricular and cocurricular activities
4. Monitoring and regulating the television viewed by their child
5. Working with their child at home in learning activities that extend the classroom learning
6. Volunteering in their child's classroom(s) or for other school activities

7. Participating in decisions related to the education of their own child or the total school program as appropriate

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
approved: June 23, 2015 Morgan Hill, California

Student And Family Privacy Rights AR 5022

Collection of Personal Information for Marketing or Sale

Personal information for marketing or sale means individually identifiable information, including a student's or parent/guardian's first and last name, home or other physical address (including street name and the name of the city or town), telephone number, or social security identification number. (20 USC 1232h)

District staff shall not administer or distribute to students any survey instrument that is designed for the purpose of collecting personal information for marketing or sale.

Requirements regarding the collection of personal information for marketing or sale shall not apply to the collection, disclosure, or use of personal information collected from students for the purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following: (20 USC 1232h)

1. College or other postsecondary education recruitment or military recruitment

2. Book clubs, magazines, and programs providing access to low-cost literary products

3. Curriculum and instructional materials used by elementary and secondary schools

4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments

5. The sale by students of products or services to raise funds for school-related or education-related activities

6. Student recognition programs

Surveys Requesting Information about Beliefs and Practices

A student's parent/guardian shall provide prior written consent before the student is required to participate in a survey inquiring about one or more of the following: (Education Code 51513; 20 USC 1232h)

1. Political affiliations or beliefs of the student or his/her parent/guardian

2. Mental or psychological problems of the student or his/her family

3. Sexual behavior or attitudes or personal beliefs and practices in family life or morality

4. Illegal, anti-social, self-incriminating, or demeaning behavior

5. Critical appraisals of other individuals with whom the student has close family relationships

6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, or ministers

7. Religious practices, affiliations, or beliefs of the student or his/her parent/guardian

8. Income, except to the extent that income is required to be disclosed by law for participation in a program or for receiving financial assistance under such a program

Notwithstanding the above requirements, the district may administer to students in grades 7-12 anonymous, voluntary, and confidential research and evaluation tools to measure student health risks and behaviors, including tests and surveys about student attitudes or practices related to sex as long as parents/guardians are provided written notice and given an opportunity to request, in writing, that their child not participate. (Education Code 51938)

If a student participates in a survey requesting information about beliefs and practices as identified above, school officials and staff members shall not request or disclose the student's identity.

Parent/Guardian Access to Surveys and Instructional Materials

The parent/guardian of any district student, upon his/her request, shall have the right to inspect: (Education Code 51938; 20 USC 1232h)

1. A survey or other instrument to be administered or distributed to his/her child that either collects personal information for marketing or sale or requests information about beliefs and practices.

2. Any instructional material to be used as part of his/her child's educational curriculum

Within a reasonable period of time after receiving a parent/guardian's request, the principal or designee shall permit the parent/guardian to view the survey or other document he/she requested. A parent/guardian may view the document any time during normal business hours.

No student shall be subject to penalty for his/her parent/guardian's exercise of any of the rights stated above.

Health Examinations

Authorized school officials may administer to any student any physical examination or screening permitted under California law. However, no student shall be subjected to a nonemergency, invasive physical examination without prior written notice to his/her parent/guardian. (20 USC 1232h)

Invasive physical examination means any medical examination that involves the exposure of private body parts or any act during such examination that includes incision, insertion, or injection into the body,

but does not include a properly authorized hearing, vision, or scoliosis screening. (20 USC 1232h)

Notifications

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians of: (20 USC 1232h)

1. The district's policy regarding student privacy

2. The process to opt their children out of participation in any activity described in this policy and administrative regulation

3. The specific or approximate dates during the school year when the following activities are scheduled:

    a. Survey requesting personal information
    b. Physical examinations or screenings
    c. Collection of personal information from students for marketing or sale

Prior to administering any anonymous and voluntary survey regarding health risks and behaviors to students in grades 7-12, the district shall provide parents/guardians with written notice that the survey is to be administered. (Education Code 51938)

Parents/guardians shall also be notified of any substantive change to this policy and administrative regulation within a reasonable period of time after adoption of the change. (20 USC 1232h)

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: November 13, 2012 Morgan Hill, California

Education Code 49451. Parent's Refusal to Consent to a Physical Examination of the Child:

A parent or guardian having control or charge of any child enrolled in the public schools may file annually with the principal of the school in which he is enrolled a statement in writing, signed by the parent or guardian, stating that he will not consent to a physical examination of his child. Thereupon the child shall be exempt from any physical examination, but whenever there is a good reason to believe that the child is suffering from a recognized contagious or infectious disease, he shall be sent home and shall not be permitted to return until the school authorities are satisfied that any contagious or infectious disease does 5 not exist.

Instruction BP 6020

PARENT INVOLVEMENT

The Governing Board recognizes that parents/guardians are their children's first and most influential teachers and that continued parental involvement in the education of children contributes greatly to student achievement and a positive school environment. The Superintendent or designee shall work with staff and parents/guardians to develop meaningful opportunities at all grade levels for parents/guardians to

be involved in district and school activities; advisory, decision making, and advocacy roles; and activities to support learning at home.

Parents/guardians shall be notified of their rights to be informed about and to participate in their children's education and of the opportunities to them to do so.

In order to engage parents/guardians positively in their children's education, the Superintendent or designee shall ensure that staff members at each school:

1. Help parents/guardians develop parenting skills and provide home environments that support their children's academic efforts and their development as responsible members of society

2. Inform parents/guardians that they can directly affect the success of their children's learning and provide them techniques and strategies that they may use to improve their children's academic success and help their children in learning at home

3. Initiate consistent and effective two-way communication between the home and school so that parents/guardians may know when and how to help their children in support of classroom learning activities

4. Receive training that fosters effective and culturally sensitive communication with the home, including training on how to communicate with non-English speakers and how to give parents/guardians opportunities to assist in the instructional process both at school and at home

5. Encourage parents/guardians to serve as volunteers in the schools, attend student performances and school meetings, and participate in site councils, advisory councils and other activities in which they may undertake governance, advisory and advocacy roles

School plans shall delineate specific measures that shall be taken to increase parental involvement with their children's education, including measures designed to involve parents/guardians with cultural, language or other barriers which may inhibit such participation.

Parent Opt-Out Rights

As a parent or guardian, you have the right to opt your child out of certain activities, programs, or types of information sharing. These rights are protected by law and supported by our district's commitment to partnering with families in decisions that affect students.

If you choose to opt your child out of any of the areas listed in this handbook, please notify your school office in writing. This helps ensure your preferences are clearly communicated and followed. If you have questions or would like more information about any of the opt-out options, school staff are available to assist you.

1. Attending or participating in any class, instruction, or activity related to comprehensive sexual health education and HIV prevention education, as applicable to the student's grade level. Cal. Education Code 51937-51939.
2. Participating in any statewide assessment administered through the California Assessment of Student Performance and Progress (CAASPP) System, including the Smarter Balanced

Assessments, California Science Test (CAST), or California Alternate Assessments (CAA), by submitting a written request to excuse the student from all or any part of the assessment. Cal. Education Code 60615.

3. Sitting for the parts of the statewide performance assessments administered pursuant to Cal. Education Code 60615 as follows: (list parts that the student is to be excused from) English Language Arts/Literacy, Mathematics, Science.
4. The administration of any test, questionnaire, survey, examination, or evaluation containing any questions or items relative to my child, or my personal beliefs or practices in sex, family life, morality, or religion. Cal. Education Code 51513.
5. The administration of any test, examination, or assessment as part of a statewide pupil assessment program relative to my child, or my personal beliefs or practices in sex, family life, morality, or religion, or any question designed to evaluate personal behavioral characteristics, including, but not limited to, honesty, integrity, sociability, or self-esteem. Cal. Education Code 60614.
6. The administration of any survey, analysis, or evaluation that reveals: (1) political affiliations or beliefs of my child or me, (2) mental or psychological problems of my child or his or her family, (3) sexual behavior or attitudes, (4) illegal, anti-social, self-incriminating, or demeaning behavior, (5) critical appraisals of other individuals with whom respondents have close family relationships, (6) legally recognized privileged or analogous relationships, such as lawyers, physicians, and ministers, (7) religious, practices, affiliations, or beliefs of my child or me, or (8) income (other than that required by law to determine eligibility or participation in a program or for receiving financial assistance under such program). 20 U.S.C. 1232h.The requirement or allowance to be subject to physical, psychiatric, or psychological examination, testing, or treatment as defined at 34 CFR 98.4(c).
7. The requirement or allowance to be subject to physical, psychiatric, or psychological examination, testing, or treatment as defined at 34 CFR 98.4(c).
8. To be subjected to the planned, systematic use of methods or techniques that are not directly related to academic instruction and that are designed to affect my child's behavioral, emotional, or attitudinal characteristics. Such methods and techniques include, by way of example only, "social emotional learning" or "SEL," "anti-racist" pedagogy, and "Critical Race Theory" or "CRT" related methods, techniques, and/or curriculum.
9. That my child be referred or provided access to any third-party "mental health" counselor, social worker, or abortion provider.
10. The administration of any test, examination, or assessment as part of a Reading Difficulties Risk Screener relative to my child. Senate Bill 114 (SB 114)
11. Enrolling in or requesting a change to an available language acquisition program, including bilingual or dual language immersion programs, in accordance with district procedures and state law. Cal. Education Code 310-320.
12. Receiving advance notification of individual pesticide applications at the student's school by submitting a request to be placed on the district's notification list. Cal. Education Code 17612, 48980.3.
13. Authorizing the submission of the student's grade point average to the California Student Aid Commission for Cal Grant consideration by submitting a written request to opt out. Cal. Education Code 69432.9.

Title I Schools

Each year the Superintendent or designee shall identify specific objectives of the district's parent involvement program for schools that receive Title I funding. He/she shall ensure that parents/guardians

are consulted and participate in the planning, design, implementation, and evaluation of the parent involvement program. *(Education Code 11503)*

The Superintendent or designee shall ensure that the district's parent involvement strategies are jointly developed with and agreed upon by parents/guardians of students participating in Title I programs. Those strategies shall establish expectations for parent involvement and describe how the district will carry out each activity.

The Superintendent or designee shall consult with parents/guardians of participating students in the planning and implementation of parent involvement programs, activities, and regulations. He/she also shall involve parents/guardians of participating students in decisions regarding how the district's Title I funds will be allotted for parent involvement activities. (20 USC 6318)

The Superintendent or designee shall ensure that each school receiving Title I funds develops a school-level parent involvement policy in accordance with 20 USC 6318

Non-Title I Schools

The Superintendent or designee shall develop and implement strategies applicable to each school that does not receive federal Title I funds to encourage the involvement and support of parents/guardians in the education of their children, including, but not limited to, strategies describing how the district and schools will address the purposes and goals described in *Education Code 11502. (Education Code 11504)*

Policy adopted: July 26, 2001

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Instruction AR 6020

PARENT INVOLVEMENT

District Strategies for Title I Schools

To ensure that parents/guardians of students participating in Title I programs are provided with opportunities to be involved in their children's education, the Superintendent or designee shall:

1. Involve parents/guardians of participating students in the joint development of the Title I local educational agency (LEA) plan pursuant to 20 USC 6312 and the process of school review and improvement pursuant to 20 USC 6316 (20 USC 6318)

   The Superintendent or designee may:

   a. Establish a district-level committee including parent/guardian representatives from each school site to review and comment on the LEA plan in accordance with the review schedule established by the Governing Board
   b. Invite input on the LEA plan from other district committees and school site councils
   c. Communicate with parents/guardians through the district newsletter, web site, or other

methods regarding the LEA plan and the opportunity to provide input

d. Provide copies of working drafts of the LEA plan to parents/guardians in an understandable and uniform format and, to the extent practicable, in a language the parents/guardians can understand

e. Ensure that there is an opportunity at a public Board meeting for public comment on the LEA plan prior to the Board's approval of the plan or revisions to the plan

f. Ensure that school-level policies on parent involvement address the role of school site councils and other parents/guardians as appropriate in the development and review of school plans

2. Provide coordination, technical assistance, and other support necessary to assist Title I schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance (20 USC 6318)

The Superintendent or designee may:

a. Assign person(s) in the district office to serve as a liaison to the schools regarding Title I parent involvement issues

b. Provide training for the principal or designee of each participating school regarding Title I requirements for parent involvement, leadership strategies, and communication skills to assist him/her in facilitating the planning and implementation of parent involvement activities

c. Provide ongoing district-level workshops to assist school site staff and parents/guardians in planning and implementing improvement strategies, and seek input from parents/guardians in developing the workshops

d. Provide information to schools about the indicators and assessment tools that will be used to monitor progress

3. Build the capacity of schools and parents/guardians for strong parent involvement (20 USC 6318)

The Superintendent or designee shall: (20 USC 6318)

a. Assist parents/guardians in understanding such topics as the state's academic content standards and academic achievement standards, state and local academic assessments, the requirements of Title I, and how to monitor a child's progress and work with educators to improve the achievement of their children

b. Provide materials and training to help parents/guardians work with their children to improve their children's achievement, such as literacy training and using technology, as appropriate, to foster parent involvement

c. Educate teachers, student services personnel, principals, and other staff, with the assistance of parents/guardians, in the value and utility of parent/guardian contributions and in how to reach out to, communicate with, and work with parents/guardians as equal partners, Implement and coordinate parent/guardian programs, and build ties between parents/guardians and the schools

d. To the extent feasible and appropriate, coordinate and integrate parent involvement

programs and activities and conduct other activities, such as parent resource centers, that encourage and support parents/guardians in more fully participating in their children's education

e. Ensure that information related to school and parent/guardian programs, meetings, and other activities is sent to the parents/guardians of participating students in a format and, to the extent practicable, in a language the parents/guardians can understand

f. Provide other such reasonable support for parent involvement activities as parents/guardians may request

g. Inform parents/guardians and parent organizations of the existence and purpose of parent information and resource centers in the state that provide training, information, and support to parents/guardians of participating students

In addition, the Superintendent or designee may:

a. Provide necessary literacy training, using Title I funds if the district has exhausted all other reasonably available sources of funding for such training

b. Pay reasonable and necessary expenses associated with parent involvement activities, including transportation and child care costs, to enable parents/guardians to participate in school-related meetings and training sessions

c. Train parents/guardians to enhance the involvement of other parents/guardians

d. Adopt and implement model approaches to improving parent involvement

e. Develop appropriate roles for community-based organizations and businesses in parent involvement activities

f. Make referrals to community agencies and organizations that offer literacy training, parent education programs, and/or other services that help to improve the conditions of parents/guardians and families

g. Provide a master calendar of district activities and district meetings

h. Provide information about opportunities for parent involvement through the district newsletter, web site, or other written or electronic means

i. Engage parent-teacher organizations to actively seek out and involve parents/guardians through regular communication updates and information sessions

j. To the extent practicable, provide translation services at school sites and at meetings involving parents/guardians as needed

k. Provide training and information to members of district and school site councils and advisory committees to help them fulfill their functions

4. Conduct, with involvement of parents/guardians, an annual evaluation of the content and effectiveness of the parent involvement policy in improving the academic quality of the schools served by Title I (20 USC 6318)

The Superintendent or designee shall:

a. Ensure that the evaluation include the identification of barriers to greater participation in parent involvement activities, with particular attention to parents/guardians who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background (20 USC 6318)

b. Use the evaluation results to design strategies for more effective parent involvement and, if necessary, to recommend changes in the parent involvement policy (20 USC 6318)

c. Assess the district's progress in meeting annual objectives for the parent involvement program, notify parents/guardians of this review and assessment through regular school communications mechanisms, and provide a copy to parents/guardians upon their request (Education Code 11503)

The Superintendent or designee may:

a. Use a variety of methods, such as focus groups, surveys, and workshops, to evaluate the satisfaction of parents/guardians and staff with the quality and frequency of district communications

b. Recommend to the Board measures to evaluate the impact of the district's parent involvement efforts on student achievement

5. Involve parents/guardians in the activities of schools served by Title I (20 USC 6318)

The Superintendent or designee may:

a. Include information about school activities in district communications to parents/guardians

b. To the extent practicable, assist schools with translation services or other accommodations needed to encourage participation of parents/guardians with special needs

c. Establish processes to encourage parent/guardian input regarding their expectations and concerns for their children

The district's Board policy and administrative regulation containing parent involvement strategies shall be incorporated into the LEA plan and distributed to parents/guardians of students participating in Title I programs. (20 USC 6318)

School-Level Policies for Title I Schools

At each school receiving Title I funds, a written policy on parent involvement shall be developed jointly with and agreed upon by parents/guardians of participating students. Such policy shall describe the means by which the school will: (20 USC 6318)

1. Convene an annual meeting, at a convenient time, to which all parents/guardians of participating students shall be invited and encouraged to attend, in order to inform parents/guardians of their school's participation in Title I and to explain Title I requirements and the right of parents/guardians to be involved

2. Offer a flexible number of meetings, such as meetings in the morning or evening, for which related transportation, child care, and/or home visits may be provided as such services relate to parent involvement

3. Involve parents/guardians in an organized, ongoing, and timely way in the planning, review, and

improvement of Title I programs, including the planning, review, and improvement of the school's parent involvement policy and, if applicable, the joint development of the plan for schoolwide programs pursuant to 20 USC 6314

The school may use an existing process for involving parents/guardians in the joint planning and design of the school's programs provided that the process includes adequate representation of parents/guardians of participating students.

4. Provide the parents/guardians of participating students all of the following:

   a. Timely information about Title I programs

   b. A description and explanation of the school's curriculum, forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet

   c. If requested by parents/guardians, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions related to their children's education, and, as soon as practicably possible, responses to the suggestions of parents/guardians

5. If the schoolwide program plan is not satisfactory to the parents/guardians of participating students, submit any parent/guardian comments when the school makes the plan available to the district

6. Jointly develop with the parents/guardians of participating students a school-parent compact that outlines how parents/guardians, the entire school staff, and students will share responsibility for improved student academic achievement and the means by which the school and parents/guardians will build a partnership to help students achieve state standards

   This compact shall address:

   a. The school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables participating students to achieve the state's student academic achievement standards

   b. Ways in which parents/guardians will be responsible for supporting their children's learning, such as monitoring attendance and homework completion; volunteering in the classroom; and participating, as appropriate, in decisions related to their children's education and the positive use of extracurricular time

   c. The importance of communication between teachers and parents/guardians on an ongoing basis through, at a minimum:

      (1) Parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as it relates to the student's achievement
      (2) Frequent reports to parents/guardians on their children's progress
      (3) Reasonable access to staff, opportunities to volunteer and participate in their child's classroom, and observation of classroom activities

7. Build the capacity of the school and parents/guardians for strong parent involvement by implementing the activities described in items #3a-f in the section "District Strategies for Title I Schools" above

8. To the extent practicable, provide full opportunities for the participation of parents/guardians with limited English proficiency, parents/guardians with disabilities, and parents/guardians of migrant children, including providing information and school reports required under 20 USC 6311(h) in a format and language such parents/guardians can understand

If the school has a parent involvement policy that applies to all parents/guardians, it may amend that policy to meet the above requirements. (20 USC 6318)

Each school's parent involvement policy shall be made available to the local community and distributed to parents/guardians of participating students in an understandable and uniform format and, to the extent practicable, provided in a language the parents/guardians can understand. (20 USC 6318)

District Strategies for Non-Title I Schools

For each school that does not receive federal Title I funds, the Superintendent or designee shall, at a minimum:

1. Engage parents/guardians positively in their children's education by helping them develop skills to use at home that support their children's academic efforts at school and their children's development as responsible members of society *(Education Code 11502, 11504)*

   The Superintendent or designee may:

   a. Provide or make referrals to literacy training and/or parent education programs designed to improve the skills of parents/guardians and enhance their ability to support their children's education
   b. Provide information, in parent handbooks and through other appropriate means**,** regarding academic expectations and resources to assist with the subject matter
   c. Provide parents/guardians with information about students' class assignments and homework assignments

2. Inform parents/guardians that they can directly affect the success of their children's learning, by providing them with techniques and strategies that they may use to improve their children's academic success and to assist their children in learning at home *(Education Code 11502, 11504)*

   The Superintendent or designee may:

   a. Provide parents/guardians with information regarding ways to create an effective study environment at home and to encourage good study habits
   b. Encourage parents/guardians to monitor their children's school attendance and homework completion
   c. Encourage parents/guardians to volunteer in their child's classroom and to participate in school advisory committees

3. Build consistent and effective communication between the home and school so that parents/guardians may know when and how to assist their children in support of classroom learning activities *(Education Code 11502, 11504)*

   The Superintendent or designee may:

   a. Ensure that teachers provide frequent reports to parents/guardians on their children's progress and hold parent-teacher conferences at least once per year with parents/guardians

of elementary school students

b. Provide opportunities for parents/guardians to observe classroom activities and to volunteer in their child's classroom

c. Provide information about parent involvement opportunities through district, school, and/or class newsletters, the district's web site, and other written or electronic communications

d. To the extent practicable, provide notices and information to parents/guardians in a format and language they can understand

e. Develop mechanisms to encourage parent/guardian input on district and school issues

f. Encourage greater parent/guardian participation by adjusting meeting schedules to accommodate parent/guardian needs and, to the extent practicable, by providing translation or interpreter services, transportation, and/or child care

4. Train teachers and administrators to communicate effectively with parents/guardians *(Education Code 11502, 11504)*

The Superintendent or designee may:

a. Provide staff development to assist staff in strengthening two-way communications with parents/guardians, including parents/guardians who have limited English proficiency or limited literacy

5. Integrate parent involvement programs into school plans for academic accountability

The Superintendent or designee may:

a. Include parent involvement strategies in school reform or school improvement initiatives

b. Involve parents/guardians in school planning processes

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
approved: November 13, 2012 Morgan Hill, California

Instruction E 6020

PARENT INVOLVEMENT

Parent/Guardian Involvement

It is the policy of the Governing Board that all schools have parent/guardian involvement programs which create school environments that make parents/guardians feel welcome, needed and actively involved as informed partners in the education of their children. It is our belief that parents/guardians should be:

1. Engaged positively in their children's education by helping to develop skills to use at home that support the school program.

2. Informed so that they may directly affect the success of their children's learning.

3. Provided with home activities, learning strategies, discipline techniques and skills to build healthy relationships with children and positive attitudes toward learning.

4. Provided techniques they may use to improve academic success and assist their children at home.

Schools will:

1. Establish ongoing, effective communication between home and school so that parents/guardians know when and how to assist their children in support of classroom learning activities.

2. In concert with parents/guardians establish the schedule of, frequency of and the format/t/content of parent/guardian school communications.

3. Train teachers and parents/guardians to communicate effectively with each other and to integrate parent/guardian involvement into the school-based coordinated plan.

4. Involve parents/guardians, with appropriate training, in instructional and support roles at the school.

5. Support parents/guardians as decision makers and develop their leadership in governance, advisory and advocacy roles.

6. Establish two-way communication between the school and the home regarding school programs and children's progress, including those families of diverse backgrounds whose English is limited.

7. Respond positively and innovatively to the needs of nontraditional situations.

8. Provide ongoing training for all staff to enable them to effectively communicate with all parents/guardians.

As part of the school-based coordinated plan process, parents/ guardians will be invited to fully participate in the planning, design, implementation, and evaluation of the full school-based coordinated plan. Parents/guardians will participate in the annual review and assessment of the program's progress in meeting the school's plans.

As part of the ongoing administrative training programs, all site administrators will receive training in effective communication with parents/guardians.

Procedures will be developed for assessing the district's parent/guardian involvement program.

Exhibit **MORGAN HILL UNIFIED SCHOOL DISTRICT**
Adopted: February 26, 2001 Morgan Hill, California

Notice of Rights of Parents and Children Regarding Special Education

Overview:
Parents have several protections under Procedural Safeguards. The notice of Parental Rights and Procedural Safeguards will be given to parents upon: 1) initial referral for evaluation of their child for special education service, 2) each notification of an IEP meeting, 3) reevaluation of their child, and 4) registration of a complaint or request for a due process hearing. This document will be provided upon the initial referral, upon the registration of a complaint or a request for a due process hearing, and at any time a parent requests one. Parents can obtain assistance in understanding their rights and procedural safeguards from the Special Education Director of their child's district of attendance, the SELPA Director at 408-453-6566, or the California Department of Education in Sacramento.

Local education agencies (LEA) and other public agencies have an obligation to seek out children with disabilities between birth and age 21. A child with a disability is one who has been identified by an

individualized education program (IEP) team as having one of thirteen disabling conditions which are defined in federal regulation, who because of the disability needs special education and related services to benefit from education and who meets state eligibility criteria. A child with a disability has a right to participate in a free, appropriate public education. Children with disabilities are offered programs that provide for maximum interaction with children who are not disabled in a manner that is appropriate to the needs of both. When a child no longer requires special education services to benefit from education, an assessment and IEP team meeting will be conducted prior to discontinuing special education services.

No child is required to participate in special education and related services unless the parent is first informed in writing of the facts making participation necessary or desirable and of the contents of the individualized education program (IEP) and gives written approval for all or part of the IEP.

Parent Consent:
Written parental consent is required before the child is assessed, placed in a special education program, and for the implementation of all or part of the individualized education program (IEP). A LEA may not require parental consent as a condition of any benefit to the parent or child except for the service or activity for which consent is required. The LEA can file for a due process hearing to override a parent's refusal to consent to the assessment or placement of their child for special education and related service.

Individualized Education Program (IEP):
The public education agency initiates and conducts meetings for the purpose of developing, reviewing, and revising the individualized education program of each child with a disability. The IEP documents the child's eligibility for special education services and parents receive a copy of each IEP for their child. These meetings are conducted by the Individualized Education Program (IEP) team.

Disciplinary Action:
The parents have the right to be notified on the day that the decision to take disciplinary action is made of that disciplinary action if it involves a change of placement for more than ten (10) days. The school district ensures that special education and disciplinary records of the child are transmitted to the person(s) making the final decision about the disciplinary action. The school district will report any crime committed by a child with a disability to the appropriate authorities and transmit copies of special education and disciplinary records to such authorities.

Suspension:

Children with disabilities may be suspended or placed in other alternative interim settings or other settings to the same extent these options would be used for children without disabilities. A child with a disability can be suspended for not more than ten (10) consecutive days for violation of school conduct codes using the same procedures as a child without a disability. For a suspension of ten (10) days or under, educational services do not need to be provided. If the suspension is for more than ten (10) days in a school year, certain procedural safeguards must be followed. They include a meeting of the IEP team not later than ten (10) days after deciding to take disciplinary action to review the child's behavior intervention plan; if there is none, complete a functional assessment and develop a behavioral intervention plan; determine if the misconduct is a manifestation of the disability; determine appropriate action based on the outcome of the manifestation determination. For suspensions over ten (10) days, the setting can be appropriate interim educational setting or another setting.

Expulsion:
A child with a disability can be expelled for violation of school conduct codes only when certain procedural safeguards are followed. Within ten (10) days of the school's decision to propose a specific disciplinary action that includes a change in placement of more than ten (10) days, the IEP team must meet to review the behavior intervention plan if there is one; determine if the misconduct is a

manifestation of the disability; determine an appropriate interim alternative setting for the child's educational placement; develop a functional behavioral assessment plan if no behavioral intervention plan exists; consider a need for change, by the end of the planned placement in alternative educational setting, from the placement the child was in at the time of the misconduct. If the parents disagree with the IEP team's findings that the expulsion process can precede because the behavior subject to the disciplinary action was not a manifestation of the child's disability, they can file for a due process hearing. Even if the district can and does expel the child, they must provide a free, appropriate public education during the time of expulsion. Additionally, the pupil is entitled to a hearing by the school board. If the school board agrees with the decision to expel the pupil, the pupil or parent or guardian may file an appeal with the county board of education.

Payment for Education of Children Enrolled in Private Schools Without Consent or Referral by the School District:

1. Students enrolled in private school where a free, appropriate public education (FAPE) is not at issue:

   School districts have the responsibility to offer a free, appropriate public education to students with disabilities whose parents have chosen to enroll them in private schools, but that responsibility is significantly limited. Federal law limits the amount that school districts may spend for these services to a proportionate share of federal Individuals with Disability Education Act (IDEA) funds. The school district must seek input from representatives of private school students, but the school district determines which services will be provided.

   A child with a disability enrolled in a private school does not have an individual right to receive some or all of the special education and related services that he/she would receive if enrolled in a public school.

   Due process procedures are unavailable to private school parents for resolving concerns about services provided. Parents may, however, file a complaint.

2. Students enrolled in private school where the provision of FAPE is at issue:
   Parents may be entitled to reimbursement for costs associated with having unilaterally withdrawn their child from the public school and placed them in a private school only if a court or hearing officer determines that the public agency had not made a free, appropriate public education (FAPE) available to the child.

   Parents seeking reimbursement for unilaterally paced private school students based on the allegation that the public school failed to provide free, appropriate public education may have those reimbursements reduced or denied if they do not provide the school district at the most recent IEP meeting with information describing the nature of their concerns relating to the public placement and a proposed resolution to the problem; their intent to reject the public school placement and enroll their child in a private school at public expense. Parents must be written notice to the school district containing the above information at least the (10) business days prior to the child's removal from public school placement; they must make their child available if the LEA notifies of their intent to evaluate the student. Reimbursement for private school placement by a parent may also be denied or reduced if a judge finds the parent's actions unreasonable.

   Exceptions to this are: 1) parent cannot write English; 2) compliance is likely to result in physical or serious emotional harm to the child; 3) the school district prevented the parent from providing such notice; and 4) the parents did not receive the notice informing them of the required contents

of the parent's notice to the school district; namely, the name and residence of the child, the name of the school the child is attending, a description of the nature of the problem relating to the proposed initiation or change, including facts relating to such problems, and the proposed resolution of the problem to the extent known and available to the parents at the time.

Award of Attorney Fees:
If either party to a due process hearing intends to be represented by an attorney, a notice of that intent shall be given to the other party at least 10 days prior to the hearing. Failure to notify the other party may delay the start of the hearing until the agency can obtain an attorney.

Attorney fees are not allowed to parents if they are related to an IEP meeting unless the meeting is convened as a result of any administrative hearing, or judicial action, or at the discretion of the State Attorney fees may be reduced if the parents' attorney fails to give the district notice of the nature of the problem and proposed solutions.

In any action or proceeding brought under Part B of the Individuals with Disabilities Education Act, the court may award reasonable attorney fees to the parents or guardians of a child with disabilities who is the prevailing party.

No attorney fees may be awarded and related costs may not be reimbursed subsequent to the time of a written offer of settlement is made to a parent if offer is made more than ten (10) days prior to start of the proceedings; if the offer is not accepted within ten (10) days; and if the court hearing officer finds that relief obtained by parents is not more favorable than the offer. Attorney fees and related costs may be awarded to parents who prevail and substantially justified in rejecting settlement offer.

Attorney fees will be reduced if the parent unreasonably protracted final resolution during the course of the action or proceeding; if fees unreasonable exceed prevailing hourly rate in the community; the time spent and legal services were excessive; and the parent's attorney did not provide the school district the appropriate information (name and address of the child, name of the school the child attends, a description of the nature of the problem, including facts related to the problem, and a proposed resolution of the problem to the extent known and available to the parents at the time). Attorney fees will not be reduced if the state or local educational agency unreasonably protracted the resolution or proceeding or violated due process procedures.

Complaints:
Any individual, LEA, or organization may file a written complaint with the superintendent of a local education agency or with the State Superintendent of Public Instruction alleging a violation of federal, or state law, or regulation governing special education, or related services for an individual student.

To file a state complaint, contact the California Department of Education, Special Education Division, Procedural Safeguards Referral Service, 515 L Street, Suite 270, Sacramento, CA 95814.

An immediate decision upon receipt will be made by the state superintendent of Public Instruction whether the state or the local agency has jurisdiction over the complaint.

If the state has jurisdiction, an investigation and written decision will be completed within sixty (60) calendar days of the receipt of the complaint and both parties will receive a copy of the decision shortly thereafter.

If the local educational agency has jurisdiction, the superintendent of that agency shall: (1) Investigate the complaint and prepare a written report. (2) Provide the complainant with a copy of the report.

Parents may appeal the local decision to the State Superintendent with fifteen (15) calendar days of the receipt of the local decision; while waiting for the State Department reconsideration, the local decision remains in effect.

The State Superintendent of Public Instruction/designee will review and write reasoned findings of any state decision appealed by the parent or LEA within thirty (30) calendar days. Both parties will receive copies of the review shortly thereafter.

To obtain more information about dispute resolution, including how to file a complaint, contact your director of special education, your district superintendent of schools, the California State Department of Public Instruction, or the California Department of Education - Special Education Division Procedural Safeguards Referral Service (800-926-0648) or FAX 916-327-3704 or contact the department's web site at Special Education Division - Organization (CA Dept of Education)

Behavioral Interventions for Special Education Students AR 6159.4

Generally, any student identified as a student with a disability pursuant to the Individuals with Disabilities Education Act, 20 USC 1400-1482, is subject to the same disciplinary measures applicable to all students for violations of the code of conduct, except when the student's behavior is determined to be a manifestation of his/her disability.

However, when the behavior of a student with a disability impedes his/her learning or the learning of others, the student's individualized education program (IEP) team shall consider the use of positive behavioral interventions and supports and other strategies consistent with 20 USC 1414(d) to address the student's behavior. (Education Code 56521.2; 34 CFR 300.324)

If, pursuant to a manifestation determination conducted as specified in 34 CFR 300.530, the student's behavior is determined to be a manifestation of his/her disability, the IEP team shall conduct a functional behavioral assessment (FBA) and implement a behavioral intervention plan (BIP) for the student. If a BIP is already in place for the student, the IEP team shall review and modify the BIP to address the student's behavior. (Education Code 56520; 34 CFR 300.324, 300.530)

In addition, when the disciplinary removal of a student with a disability will result in a change in the student's placement as specified in 34 CFR 300.530, the student shall receive an FBA and behavioral intervention services and modifications designed to address the student's behavior so that it does not recur. (34 CFR 300.530)

Functional Behavioral Assessment

Any FBA to be conducted for a student with a disability shall focus on identifying the function or purpose of the student's behavior.

Before any FBA is conducted, the Superintendent of designee shall notify the student's parent/guardian in accordance with Education Code 56321 and obtain the parent/guardian's consent. (Education Code 56321; 34 CFR 300.324)

If the parent/guardian disagrees with the result of an FBA, he/she has the right to obtain an independent educational evaluation at district expense, subject to the conditions specified in 34 CFR 300.502.

Behavioral Intervention Plan and Services

When any behavioral intervention, support, or other strategy is to be used by the district, the Superintendent or designee shall consider the student's physical freedom and social interaction, administer the intervention, support, or other strategy in a manner that respects the student's dignity and personal privacy, and ensure the student's right to be placed in the least restrictive educational environment. (Education Code 56520)

When a student for whom a BIP is to be developed is also the responsibility of another agency for residential care or related services, the Superintendent or designee shall cooperate with the other agency to ensure that the BIP, to the extent possible, is implemented in a consistent manner. (Education Code 56520)

Behavior assessments and behavioral intervention services shall be provided only by individuals who possess the qualifications specified in Education Code 56525 or 5 CCR 3065.

Emergency Interventions

Emergency interventions may be used only to control unpredictable, spontaneous behavior that poses clear and present danger of serious physical harm to the student or others and that cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior. Emergency interventions shall not be used as a substitute for a systematic BIP that is designed to change, replace, modify, or eliminate a targeted behavior. (Education Code 56521.1)

No emergency intervention shall be used for longer than is necessary to contain the behavior. For any situation that requires a prolonged use of an emergency intervention, staff shall seek assistance of the principal or law enforcement agency, as applicable to the situation. (Education Code 56521.1)

Emergency interventions shall not involve the use of force exceeding what is reasonable and necessary under the circumstances. In addition, use of locked seclusion or a device, material, or objects that simultaneously immobilize all hands and feet shall not be allowed except as allowed by law. (Education Code 56521.1)

Parents/guardians and, if appropriate, residential care providers shall be notified within one school day whenever emergency intervention is used or serious property damage occurs. A behavior emergency report shall immediately be completed, kept in the student's file, and forwarded to the Superintendent or designee for review. This report shall include all of the following information: (Education Code 56521.1)

1. The name and age of the student

2. The setting and location of the incident

3. The name of the staff or other persons involved

4. A description of the incident and the emergency intervention used

5. A statement of whether the student is currently engaged in a systematic BIP

6. Details of any injuries sustained by the student or others, including staff, as a result of the incident

If the behavior emergency report is for a student who does not have a BIP, the Superintendent or designee shall, within two days, schedule an IEP team meeting to review the emergency report, determine the necessity for an FBA, and determine the necessity for an interim BIP. The IEP team shall document the reasons for not conducting the FBA and/or not developing the interim BIP. (Education Code 56521.1)

If the behavior emergency report is for a student who has a BIP, any incident involving a previously unseen serious behavior problem or where a previously designed intervention is not effective shall be referred to the IEP team. The IEP team shall review the incident and determine whether the student's plan needs to be modified. (Education Code 56521.1)

Prohibited Interventions

The district prohibits the use of corporal punishment as defined in Education Code 49001 as an intervention. In addition, the district prohibits all of the following: (Education Code 56521.2)

1. Any intervention designed or likely to cause physical pain, including, but not limited to, electric shock

2. Any intervention that involves the release of noxious, toxic, or otherwise unpleasant sprays, mists, or substances near the student's face

3. Any intervention that denies adequate sleep, food, water, shelter, bedding, physical comfort, or access to bathroom facilities

4. Any intervention that is designed to subject, used to subject, or likely to subject the student to verbal abuse, ridicule, or humiliation or that can be expected to cause excessive emotional trauma

5. Any restrictive intervention that uses a device, material, or objects which simultaneously immobilize all hands and feet, including the procedure known as prone containment, except that prone containment or similar techniques may be used by trained staff as a limited emergency intervention

6. Locked seclusion, unless in a facility otherwise licensed or permitted by state law to use a locked room

7. Any intervention that precludes adequate supervision of the student

8. Any intervention that deprives the student of one or more of his/her senses

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
Adopted: June 23, 2015 Morgan Hill, California

Identification And Evaluation of Individuals for Special Education FBP 6164.4

The Governing Board recognizes the need to actively seek out and evaluate district residents from birth to age 21 who have disabilities in order to provide them with appropriate educational opportunities in accordance with state and federal law.

The Superintendent or designee shall establish a comprehensive child find system that includes

procedures for the identification, screening, referral, assessment, and triennial assessment of individuals eligible for special education, as well as procedures for the planning, implementation, and review of the special education and related services provided to such individuals. (Education Code 56301)

The district's identification procedures shall include systematic methods for utilizing referrals from parents/guardians, teachers, agencies, appropriate professionals, and other members of the public, and shall be coordinated with school site procedures for referral of students whose needs cannot be met with modifications to the regular instructional program. (Education Code 56302)

The Superintendent or designee shall notify parents/guardians, in writing, of their rights related to identification, referral, assessment, instructional planning, implementation, and review, including the right to consent to any assessment concerning their child. In addition, the Superintendent or designee shall notify parents/guardians of procedures for initiating a referral for assessment to identify individuals for special education services. (Education Code 56301)

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
approved: November 15, 2022 Morgan Hill, California

Identification And Education Under Section 504 AR 6164.6

The Superintendent designates the following position as the district's 504 Coordinator to implement the requirements of Section 504 of the federal Rehabilitation Act of 1973: (34 CFR 104.7)

Coordinator of Student Services
15600 Concord Circle
Morgan Hill, CA 95037
(408) 201-6000, ext. 51068

Definitions

For the purpose of implementing Section 504 of the Rehabilitation Act of 1973, the following terms and phrases shall have only the meanings specified below:

Free appropriate public education (FAPE) means the provision of regular or special education and related aids and services designed to meet the individual educational needs of a student with disabilities as adequately as the needs of nondisabled students are met, without cost to the student or his/her parent/guardian, except when a fee is imposed on nondisabled students. (34 CFR 104.33)

Student with a disability means a student who has a physical or mental impairment which substantially limits one or more major life activities. (34 CFR 104.3)

Physical impairment means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal, special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine. (34 CFR 104.3)

Mental impairment means any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. (34 CFR 104.3)

Substantially limits major life activities means limiting a person's ability to perform functions such as caring for himself/herself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. Major life activities also includes major bodily functions such as functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Substantially limits shall be determined without regard to the ameliorative effects of mitigating measures other than ordinary eyeglasses or contact lenses. Mitigating measures include, but are not limited to, medications, prosthetic devices, assistive devices, learned behavioral, or adaptive neurological modifications which an individual may use to eliminate or reduce the effects of an impairment. (42 USC 12102; 34 CFR 104.3)

Referral, Identification, and Evaluation

Any action or decision to be taken by the district involving the referral, identification, or evaluation of a student with disabilities shall be in accordance with the following procedures:

1. A parent/guardian, teacher, other school employee, student success team, or community agency may refer a student to the principal or 504 Coordinator for identification as a student with a disability under Section 504.

2. Upon receipt of any such referral, the principal, 504 Coordinator, or other qualified individual with expertise in the area of the student's suspected disability shall consider the referral and determine whether an evaluation is appropriate. This determination shall be based on a review of the student's school records, including those in academic and nonacademic areas of the school program; consultation with the student's teacher(s), other professionals, and the parent/guardian, as appropriate; and analysis of the student's needs.

   If it is determined that an evaluation is unnecessary, the principal or 504 Coordinator shall inform the parents/guardians in writing of this decision and of the procedural safeguards available, as described in the "Procedural Safeguards" section below.

3. If it is determined that the student needs or is believed to need special education or related services under Section 504, the district shall conduct an evaluation of the student prior to his/her initial placement. (34 CFR 104.35)

   Prior to conducting an initial evaluation of a student for eligibility under Section 504, the district shall obtain written parent/guardian consent.

   The district's evaluation procedures shall ensure that the tests and other evaluation materials: (34 CFR 104.35)

   a. Have been validated and are administered by trained personnel in conformance with the instruction provided by the test publishers

   b. Are tailored to assess specific areas of educational need and are not merely designed to provide a single general intelligence quotient

c. Reflect the student's aptitude or achievement or whatever else the tests purport to measure rather than his/her impaired sensory, manual, or speaking skills, except where those skills are the factors that the tests purport to measure

Section 504 Services Plan and Placement

Services and placement decisions for students with disabilities shall be determined as follows:

1. A multi-disciplinary 504 team shall be convened to review the evaluation data in order to make placement decisions.

   The 504 team shall consist of a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. (34 CFR 104.35)

   In interpreting evaluation data and making placement decisions, the team shall draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The team shall also ensure that information obtained from all such sources is documented and carefully considered and that the placement decision is made in conformity with 34 CFR 104.34. (34 CFR 104.35)

2. If, upon evaluation, a student is determined to be eligible for services under Section 504, the team shall meet to develop a written 504 services plan which shall specify the types of regular or special education services, accommodations, and supplementary aids and services necessary to ensure that the student receives FAPE.

   The parents/guardians shall be invited to participate in the meeting and shall be given an opportunity to examine all relevant records.

3. If the 504 team determines that no services are necessary for the student, the record of the team's meeting shall reflect whether or not the student has been identified as a disabled person under Section 504 and shall state the basis for the determination that no special services are presently needed. The student's parent/guardian shall be informed in writing of his/her rights and procedural safeguards, as described in the "Procedural Safeguards" section below.

4. The student shall be placed in the regular educational environment, unless the district can demonstrate that the education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. The student shall be educated with those who are not disabled to the maximum extent appropriate to his/her individual needs. (34 CFR 104.34)

5. The district shall complete the identification, evaluation, and placement process within a reasonable time frame.

6. A copy of the student's Section 504 services plan shall be kept in his/her student record. The student's teacher(s) and any other staff who provide services to the student shall be informed of the plan's requirements.

If a student transfers to another school within the district, the principal or designee at the school from which the student is transferring shall ensure that the principal or designee at the new school receives a copy of the plan prior to the student's enrollment in the new school.

Review and Reevaluation

The 504 team shall monitor the progress of the student and, at least annually, shall review the effectiveness of the student's Section 504 services plan to determine whether the services are appropriate and necessary and whether the student's needs are being met as adequately as the needs of nondisabled students. In addition, each student with a disability under Section 504 shall be reevaluated at least once every three years.

A reevaluation of the student's needs shall be conducted before any subsequent significant change in placement. (34 CFR 104.35)

Procedural Safeguards

The Superintendent or designee shall notify the parents/guardians of students with disabilities of all actions and decisions by the district regarding the identification, evaluation, or educational placement of their children. He/she also shall notify the parents/guardians of all the procedural safeguards available to them if they disagree with the district's action or decision, including an opportunity to examine all relevant records and an impartial hearing in which they shall have the right to participate. (34 CFR 104.36)

If a parent/guardian disagrees with any district action or decision regarding the identification, evaluation, or educational placement of his/her child under Section 504, he/she may request a Section 504 due process hearing within 30 days of that action or decision.

Prior to requesting a Section 504 due process hearing, the parent/guardian may, at his/her discretion, but within 30 days of the district's action or decision, request an administrative review of the action or decision. The Coordinator shall designate an appropriate administrator to meet with the parent/guardian to attempt to resolve the issue and the administrative review shall be held within 14 days of receiving the parent/guardian's request. If the parent/guardian is not satisfied with the resolution of the issue, he/she may request a Section 504 due process hearing.

Section 504 due process hearing shall be conducted in accordance with the following procedures:

1. The parent/guardian shall submit a written request to the Coordinator within 30 days of receiving the district's decision or, if an administrative review is held, within 14 days of the completion of the review. The request for the due process hearing shall include:

   a. The specific nature of the decision with which he/she disagrees

   b. The specific relief he/she seeks

   c. Any other information he/she believes is pertinent to resolving the disagreement

2. Within 30 days of receiving the parent/guardian's request, the Superintendent or designee and 504 Coordinator shall select an impartial hearing officer. This 30-day deadline may be extended for

good cause or by mutual agreement of the parties.

3. Within 45 days of the selection of the hearing officer, the Section 504 due process hearing shall be conducted and a written decision mailed to all parties. This 45-day deadline may be extended for good cause or by mutual agreement of the parties.

4. The parties to the hearing shall be afforded the right to:

   a. Be accompanied and advised by counsel and by individuals with special knowledge or training related to the problems of students with disabilities under Section 504

   b. Present written and oral evidence

   c. Question and cross-examine witnesses

   d. Receive written findings by the hearing officer stating the decision and explaining the reasons for the decision

If desired, either party may seek a review of the hearing officer's decision by a federal court of competent jurisdiction.

Notifications

The Superintendent or designee shall ensure that the district has taken appropriate steps to notify students and parents/guardians of the district's duty under Section 504. (34 CFR 104.32)

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
approved: June 23, 2015 Morgan Hill, California

Community Relations BP 1312.3

UNIFORM COMPLAINT PROCEDURES

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages the early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

Complaints Subject to UCP

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve complaints regarding the following programs and activities:

1. Accommodations for pregnant and parenting students *(Education Code 46015)*

2. Adult education programs *(Education Code 8500-8538, 52334.7, 52500-52617)*

3. After School Education and Safety programs *(Education Code 8482-8484.65)*

4. Agricultural career technical education *(Education Code 52460-52462)*

5. Career technical and technical education and career technical and technical training programs *(Education Code 52300-52462)*

6. Child care and development programs *(Education Code 8200-8488)*

7. Compensatory education *(Education Code 54400)*

8. Consolidated categorical aid programs *(Education Code 33315; 34 CFR 299.10-299.12)*

9. Course periods without educational content *(Education Code 51228.1-51228.3)*

10. Discrimination, harassment, intimidation, or bullying in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on a person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in *Education Code 200 or 220, Government Code 11135, or Penal Code 422.55,* or based on the person's association with a person or group with one or more of these actual or perceived characteristics *(5 CCR 4610)*

11. Educational and graduation requirements for students in foster care, homeless students, students from military families, and students formerly in a juvenile court school *(Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)*

12. Every Student Succeeds Act *(Education Code 52059.5; 20 USC 6301 et seq.)*

13. Local control and accountability plan *(Education Code 52075)*

14. Migrant education *(Education Code 54440-54445)*

15. Physical education instructional minutes *(Education Code 51210, 51222, 51223)*

16. Student fees *(Education Code 49010-49013)*

17. Reasonable accommodations to a lactating student *(Education Code 222)*

18. Regional occupational centers and programs *(Education Code 52300-52334.7)*

19. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding *(Education Code 64001)*

20. School safety plans *(Education Code 32280-32289)*

21. School site councils as required for the consolidated application for specified federal and/or state categorical funding *(Education Code 65000)*

22. State preschool programs *(Education Code 8207-8225)*

23. State preschool health and safety issues in license-exempt programs *(Education Code 8212)*

24. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy

25. Any other state or federal educational program the Superintendent of Public Instruction or designee deems appropriate

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process for resolving a complaint in a manner that is acceptable to all parties. An ADR process such as mediation may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

When an allegation that is not subject to UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and requirements related to UCP, including the steps and timelines specified in this policy and the accompanying administrative regulation.

The Superintendent or designee shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be investigated and resolved by the specified agency or through an alternative process:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division or the appropriate law enforcement agency. (5 CCR 4611)

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to the Department of Social Services. (5 CCR 4611)

3. Any complaint alleging that a student, while in an education program or activity in which the district exercises substantial control over the context and respondent, was subjected to sexual harassment as defined in 34 CFR 106.30 shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as specified in AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

4. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.

5. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education (FAPE), failure or refusal to implement a due process hearing order to which the district is subject, or a physical safety concern that interferes with the district's provision of FAPE shall be submitted to the California Department of Education (CDE) in accordance with AR 6159.1 - Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205)

6. Any complaint alleging noncompliance of the district's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15580-15584)

7. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the district's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15582)

8. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

Community Relations AR 1312.3

Uniform Complaint Procedures

Except as the Governing Board may otherwise specifically provide in other district policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

Compliance Officers

The district designates the individual(s), position(s), or unit(s) identified below as responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment responsible for handling complaints regarding unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). The compliance officer(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

Assistant Superintendent of Human Resources
15600 Concord Circle
Morgan Hill, CA 95037
(408) 201-6015

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent, if applicable, if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the result of an investigation. If interim measures are

determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. *(Education Code 234.1)*

In addition, the Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians of district students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

The notice shall include:

1. A statement that the district is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group and all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy

2. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint
   A statement that the district is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group and all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint
3. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities

4. A statement that a complaint regarding student fees must be filed no later than one year from the date the alleged violation occurred

5. A statement that the district will post a standardized notice of the educational rights of foster youth, homeless students, former juvenile court school students now enrolled in the district, children of military families, migrant students, and immigrant students enrolled in a newcomer program, as specified in *Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2,* and the complaint process

6. Identification of the responsible staff member(s), position(s), or unit(s) designated to receive

complaints

7. A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant

8. A statement that the complainant has a right to appeal the district's decision to CDE by filing a written appeal, including a copy of the original complaint and the district's decision, within 15 days of receiving the district's decision

9. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable

10. A statement that copies of the district's UCP are available free of charge

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to *Education Code 221.61* shall be posted on the district web site and may be provided through district-supported social media, if available.

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with *Education Code 234.1* and *48985.* In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

Filing of Complaints

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist in the filing of the complaint. (5 CCR 4600)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy (item #1 of the section "Complaints Subject to UCP") may be filed by any individual, public agency, or organization. (5 CCR 4630)

2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful

student fees may be filed with the principal of the school or with the Superintendent or designee. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. *(Education Code 49013, 52075; 5 CCR 4630)*

3. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by persons who allege that they have personally suffered unlawful discrimination or who believe that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. *(5 CCR 4630)*When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.

4. When the complainant of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

Mediation

Within three business days after receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall ensure that all parties agree to make the mediator a party to relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with an investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform both parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Similarly, a respondent's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

Timeline for Final Decision

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Final Written Decision" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

For any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent shall be informed of any extension of the timeline agreed to by the complainant. The respondent also shall be sent the district's final written decision at the same time it is provided to the complainant.

Final Written Decision

For all complaints, the district's final written decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:

   a. Statements made by any witnesses
   b. The relative credibility of the individuals involved
   c. How the complaining individual reacted to the incident
   d. Any documentary or other evidence relating to the alleged conduct
   e. Past instances of similar conduct by any alleged offenders
   f. Past false allegations made by the complainant

2. The conclusion(s) of law

3. Disposition of the complaint

4. Rationale for such disposition

For complaints of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

   a. The manner in which the misconduct affected one or more students' education
   b. The type, frequency, and duration of the misconduct
   c. The relationship between the alleged victim(s) and offender(s)
   d. The number of persons engaged in the conduct and at whom the conduct was directed
   e. The size of the school, location of the incidents, and context in which they occurred
   f. Other incidents at the school involving different individuals

5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with *Education Code 49013* and *5 CCR 4600*

For complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the decision may, as required by law, include:

   a. The corrective actions imposed on the respondent
   b. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint, but this information should not be shared with the respondent.
   c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence

6. Notice of the complainant's and respondent's right to appeal the district's decision to CDE within 15 calendar days, and procedures to be followed for initiating such an appeal. The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), notice of the district's decision to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved is enrolled in a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language pursuant to *Education Code 48985*. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the decision shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with CDE. *(Education Code 262.3)*
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. *(Education Code 262.3)*
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Corrective Actions

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on a student offender may include, but

are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team (cf. 6164.5 - Student Success Teams)
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), that the district does not tolerate it, and how to report and respond to it.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes for students in elementary schools, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. *(Education Code 49013, 51223, 52075)*

For complaints alleging noncompliance with the laws regarding student fees, the district shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. *(Education Code 49013; 5 CCR 4600)*

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's final written decision on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 15 calendar days of receiving the district's decision. *(5 CCR 4632)*

The complainant shall specify the basis for the appeal of the decision and how the facts of the district's decision are incorrect and/or the law has been misapplied. The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's decision in that complaint. (5 CCR 4632)

When a respondent in any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) is dissatisfied with the district's final written decision, the respondent, in the same manner as the complainant, may file an appeal with CDE.

Upon notification by CDE that the district's decision has been appealed, the Superintendent or designee shall forward the following documents to CDE: *(5 CCR 4633)*

1. A copy of the original complaint
2. A copy of the written decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's UCP
7. Other relevant information requested by CDE

Regulation
approved: March 29, 2019

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

MORGAN HILL UNIFIED SCHOOL DISTRICT
15600 Concord Circle
Morgan Hill, CA 95037
(408) 201-6023

UNIFORM COMPLAINT FORM

Form to be used regarding complaints of discrimination and/or failure to comply with state or federal law regarding adult education, consolidated categorical programs, migrant education, vocational education, child care and development programs, child nutrition programs and special education programs.)

Today's Date: _____

Check Type(s) of Discrimination Alleged: Age ___, Physical or mental Disability ___,

National Origin _____, Race/Ethnicity _____, Religion _____, Gender Identity _____,

Sexual (actual or perceived) _____, Sexual Orientation (actual or perceived) _____.

Name of person filing complaint: _____

Address: _____

_____

Phone Number/Cell Number: _____

Email Address: _____

Person(s) Against Whom Complaint is filed: _____

_____

Date and Time of Incident (if applicable):_____

Description of Complaint: (Please use back side of form if necessary.)

_____

_____

_____

Proposed Resolution(s): _____

_____

For Office Use Only

Date Received: _____ Date of Employee Conference: _____

Date of Response to Complainant: _____

Revised: 05/07/07 (Renumbered replacing 1502A – English)
Reviewed: November 13, 2012

Uniform Complaint Procedures (UCP)
Annual Notice for 2026-2027

Morgan Hill Unified School District

For students, employees, parents/guardians, school and district advisory committee members, private school officials, and other interested parties

The Morgan Hill Unified School District annually notifies our students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, appropriate private school officials, and other interested parties of the Uniform Complaint Procedures (UCP) process.

The Morgan Hill Unified School District is primarily responsible for compliance with federal and state laws and regulations, including those related to unlawful discrimination, harassment, intimidation or bullying against any protected group, and all programs and activities that are subject to the UCP in:

Adult Education	Economic Impact Aid
After School Education and Safety	Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district
Agricultural Vocational Education	English Learner Programs
American Indian Education Centers and Early Childhood Education Program Assessments	Every Student Succeeds Act / No Child Left Behind (Titles I–VII)
Bilingual Education	Local Control and Accountability Plans (LCAP)
California Peer Assistance and Review Programs for Teachers	Migrant Education
Career Technical and Technical Education; Career Technical; Technical Training	Physical Education Instructional Minutes (for grades one through six)
Career Technical Education	Pupil Fees
Child Care and Development	Reasonable Accommodations to a Lactating Pupil
Child Nutrition	Regional Occupational Centers and Programs
Compensatory Education	School Safety Plans
Consolidated Categorical Aid	Special Education
Course Periods without Educational Content (for grades nine through twelve)	State Preschool
	Tobacco-Use Prevention Education

A pupil fee includes, but is not limited to, all of the following:

1. A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
2. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
3. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

A pupil fees complaint may be filed with the principal of a school or our superintendent or his or her designee. A pupil fees and/or an LCAP complaint may be filed anonymously, however, the complainant must provide evidence or information leading to evidence to support the complaint.

A pupil enrolled in a school in our district shall not be required to pay a pupil fee for participation in an educational activity.

A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred.

We shall post a standardized notice of the educational rights of pupils in foster care, pupils who are homeless, and former juvenile court pupils now enrolled in a school district as specified in EC Sections 48853, 48853.5, 49069.5, 51225.1, and 51225.2. This notice shall include complaint process information, as applicable.

The staff member, position, or unit responsible to receive UCP complaints in our agency is:

Name or title: **Designee Asst. Superintendent of Human Resources**

Unit or office: **Human Resources**

Address: **15600 Concord Circle, Morgan Hill, CA 95037**

Phone: **408-201-6000**

e-mail address: _____

Complaints will be investigated and a written report with a Decision will be sent to the complainant within sixty (60) days from the receipt of the complaint. This time period may be extended by written agreement of the complainant. The person responsible for investigating the complaint shall conduct and complete the investigation in accordance with our UCP policies and procedures.

The complainant has a right to appeal our Decision of complaints regarding specific programs and activities subject to the UCP, pupil fees and the LCAP to the California Department of Education (CDE) by filing a written appeal within 15 days of receiving our Decision. The appeal must be accompanied by a copy of the originally-filed complaint and a copy of our Decision.

We advise any complainant of civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable.

Copies of our Uniform Complaint Procedures process shall be available free of charge.

NOTICE OF PARENT AND STUDENT RIGHTS UNDER SECTION 504, THE REHABILITATION ACT OF 1973

General Rights:

- Eligibility
- The right to be informed of all rights under Section 504. (This notice will serve to advise all interested parties concerning these rights.
- The right to an appropriate education designed to meet the student's educational needs as adequately as the needs of non-disabled students are met.
- The right to placement in the least restrictive environment.
- The right to be notified in writing of all District decisions concerning identification, evaluation, or educational placement.
- The right for the parent, guardian or a qualified handicapped student to review relevant records at the school site or at the District Office.
- For students who are served in special education programs in the school district, their procedural rights fall within the Individuals with Disabilities Education Act (IDEA). As such, the Section 504 rights do not apply to those students served under IDEA.

Appeal and Due Process Rights:

- If parents are dissatisfied with the district's written response to their complaint, within 30 days they may request in writing a hearing on the matter.
- The right for the district to select an impartial hearing officer within 15 days of their request for a hearing.
- The right to a hearing within 20 days of receipt of a complaint and waiving of informal resolution.
- The right for the district to conduct the hearing within 45 days by the hearing officer.
- The right to have the appeal heard by an impartial hearing officer.
- The right to be accompanied and advised by counsel and by individuals with special knowledge or training relating to the problems of students who are qualified with the meaning of Section 504.
- The right to present evidence, documentation and testimony.
- The right to question and cross-examine witnesses.
- The right to written findings of fact, conclusions of law and decisions prepared by the hearing officer 40 calendar days after the hearing.
- The right to continued appeal through a court of competent jurisdiction.

Definition of Section 504 of the Rehabilitation Act of 1973: Any person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.

If you have any questions or wish to file an appeal, contact the Director of Student Services, 15600 Concord Circle, Morgan Hill, CA 95037.

Students

SEXUAL HARASSMENT BP 5145.7

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits at school or at school-sponsored or school-related activities, targeted at any student by anyone. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

The district strongly encourages any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult who has experienced off-campus sexual harassment that has a continuing effect on campus to immediately contact his/her teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or a district compliance officer. Once notified, the principal or compliance officer shall take the steps to investigate and address the allegation, as specified in the accompanying administrative regulation.

Complaints regarding sexual harassment shall be investigated and resolved in accordance with law and district procedures specified in AR 1312.3 - Uniform Complaint Procedures. Principals are responsible for notifying students and parents/guardians that complaints of sexual harassment can be filed under AR 1312.3 and where to obtain a copy of the procedures.

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy.

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence

2. A clear message that students do not have to endure sexual harassment under any circumstance

3. Encouragement to report observed incidents of sexual harassment even where the alleged victim of the harassment has not complained

4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved

5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and prompt action shall be taken to stop any harassment, prevent recurrence, and address any continuing effect on students.

6. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made

7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues

8. A clear message that, when needed, the district will take interim measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation and that, to the extent possible, when such interim measures are taken, they shall not disadvantage the complainant or victim of the alleged harassment

Complaint Process and Disciplinary Actions

Sexual harassment complaints by and against students shall be investigated and resolved in accordance with law and district procedures specified in AR 1312.3 – Uniform Complaint Procedures. Principals are responsible for notifying students and parents/guardians that complaints of sexual harassment can be filed under AR 1312.3 and where to obtain a copy of the procedures.

Upon investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall have his/her employment terminated in accordance with law and the applicable collective bargaining agreement~~s~~.

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
approved September 5, 2017 Morgan Hill, California

Students AR 5145.7

SEXUAL HARASSMENT

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 and California Education Code 234.1, as well as to investigate and resolve sexual harassment complaints under AR 1312.3 - Uniform Complaint Procedures. The coordinator/compliance officer(s) may be contacted at:

Assistant Superintendent, Title IX Coordinator and Equity Officer
15600 Concord Circle
Morgan Hill, CA 95037
(408) 201-6040

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted

requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions:

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion
12. Electronic communications containing comments, words, or images described above

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing

effect on or creates a hostile school environment for the complainant or victim of the conduct.

Reporting Process and Complaint Investigation and Resolution

Any student who believes that he/she has been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment is strongly encouraged to report the incident to his/her teacher, the principal, or any other available school employee. Within one school day of receiving such a report, the school employee shall forward the report to the principal or the district's compliance officer identified in AR 1312.3. In addition, any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report his/her observation to the principal or a district compliance officer. The employee shall take these actions, whether or not the alleged victim files a complaint.

When a report or complaint of sexual harassment involves off-campus conduct, the principal shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If he/she determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

In any case of sexual harassment involving the principal, compliance officer, or any other person to whom the incident would ordinarily be reported or filed, the report may instead be submitted the Superintendent or designee.

When a verbal or informal report of sexual harassment is submitted, the principal or compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with the district's uniform complaint procedures. Regardless of whether a formal complaint is filed, the principal or compliance officer shall take steps to investigate the allegations and, if sexual harassment is found, shall take prompt action to stop it, prevent recurrence, and address any continuing effects.

If a complaint of sexual harassment is initially submitted to the principal, he/she shall, within two school days, forward the report to the compliance officer to initiate investigation of the complaint. The compliance officer shall contact the complainant and investigate and resolve the complaint in accordance with law and district procedures specified in AR 1312.3.

In investigating a sexual harassment complaint, evidence of past sexual relationships of the victim shall not be considered, except to the extent that such evidence may relate to the victim's prior relationship with the respondent.

Confidentiality

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

However, when a complainant or victim of sexual harassment notifies the district of the harassment but requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the harassment or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the

complaint consistent with the request.

When a complainant or victim of sexual harassment notifies the district of the harassment but requests that the district not pursue an investigation, the district will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students.

Response Pending Investigation

When an incident of sexual harassment is reported, the principal or designee, in consultation with the compliance officer, shall determine whether interim measures are necessary pending the results of the investigation. The principal/designee or compliance officer shall take immediate measures necessary to stop the harassment and protect students and/or ensure their access to the educational program. To the extent possible, such interim measures shall not disadvantage the complainant or victim of the alleged harassment. Interim measures may include placing the individuals involved in separate classes or transferring a student to a class taught by a different teacher, in accordance with law and Board policy. The school should notify the individual who was harassed of his/her options to avoid contact with the alleged harasser and allow the complainant to change academic and extracurricular arrangements as appropriate. The school should also ensure that the complainant is aware of the resources and assistance, such as counseling, that are available to him/her. As appropriate, such actions shall be considered even when a student chooses to not file a formal complaint or the sexual harassment occurs off school grounds or outside school-sponsored or school-related programs or activities.

Notifications

A copy of the district's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year
2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted, including school websites
3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session
4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct
5. Be included in the student handbook
6. Be provided to employees and employee organizations

Regulation approved: December 13, 2017

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

NONDISCRIMINATION/HARASSMENT

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic, extracurricular, and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, targeted at any student by anyone, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status,,, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression or genetic information, or association with a person or group with one or more of these actual or perceived characteristics.

This policy shall apply to all acts related to school activity or to school attendance occurring within a district school, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school.

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also includes the creation of a hostile environment through prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

The Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. He/she shall provide training and information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the educational program. He/she shall report his/her findings and recommendations to the Board after each review.

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in *Education Code 48900.4*. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the district to monitor, address, and prevent repetitive prohibited behavior in district schools.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: June 19, 2018 Morgan Hill, California

Students AR 5145.3

NONDISCRIMINATION/HARASSMENT

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's efforts to comply with applicable state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination targeting a student, including discriminatory harassment, intimidation, or bullying, based on the student's actual or perceived race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, pregnancy, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or any other legally protected status; or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at: *(Education Code 234.1; 5 CCR 4621)*

Assistant Superintendent of Human Resources
15600 Concord Circle
Morgan Hill, CA 95037
(408) 201-6000

MHUSD Civil and Human Rights
The Morgan Hill Unified School District Shall take reasonable steps to provide a school environment without unlawful harassment, including sexual harassment, and shall maintain an environment in which all students and adults model this behavior and are treated with dignity and respect. Therefore, no student or adult shall be subjected to sexual overtures or conduct, either verbal, visual, physical or perceived, which are intimidating, hostile, offensive, or unwelcome. Such conduct is unacceptable and will not be tolerated. Sexual and other unlawful harassment violates state and federal law, and District policy.
Physical or verbal harassment, physical abuse, profanity, slurs, and any other actions or words, actual or perceived, are not permitted. Harassment based on sexual orientation, gender identity, race, national

origin, ethnicity, religion, age, physical or mental disability, or any other basis protected by federal, state, or local law, ordinance or regulation to the extent protected by law is prohibited. Violators of this rule will be subject to disciplinary action, which may range from guardian conference, counseling, suspension, expulsion, and referral to the appropriate law enforcement agency.

Anti-Harassment Policy

Everyone at Morgan Hill Unified School District has a right to feel respected and safe. Consequently, we want students to know about our policy to prevent sexual harassment, and harassment based on gender identity, race, national origin, ethnicity, religion, sexual orientation, or disability.

A harasser may be a student or an adult. Harassment may include the following when related to sexual orientation, gender identity, race, national origin, ethnicity, religion, or disability:

- ♦ Name calling, teasing, derogatory comments, slurs
- ♦ Remarks or rumors about an individual's sexual activities, sexual jokes, catcalls or whistles
- ♦Leering, winking, sexual gestures, pinching, patting, intentional rubbing against another individual's body
- ♦ Graffiti, offensive or graphic posters or book covers
- ♦ Derogatory notes or cartoons
- ♦ Unwelcome touching of a person or clothing, grabbing, fondling
- ♦ Violent acts or threats

If any words or actions make a student feel uncomfortable or fearful, you need to tell a teacher, counselor, assistant principal, the principal or the District's Compliance Officer at 408-201-6030. If a student believes that they or someone else has been the victim of harassment, they should report the alleged acts to a teacher, counselor, principal or the District's Compliance Officer. The report may be verbal or written.

Sexual Orientation/Gender Identity Harassment

The Board prohibits sexual harassment of students at school or at school-sponsored or school related activities. The Board also prohibits retaliatory behavior or action against any person who files a complaint, testifies, or otherwise participates in district complaint processes.

If a student believes that they or someone else has been the victim of harassment based upon real or alleged sexual orientation or gender identity, they should report the alleged acts to a Compliance Coordinator.

A student may also make a complaint to any teacher, counselor, or other staff member. The report may be verbal or written.

A student's right to privacy will be respected consistent with the District's legal obligations and the need to investigate harassment allegations and take remedial and corrective action. Morgan Hill Unified School District takes seriously all reports of sexual harassment, and harassment based upon sexual orientation, gender identity, race, national origin, ethnicity, religion, or disability and will take all appropriate action to investigate such claims, to eliminate the harassment, and to discipline any persons found to have engaged in such conduct.

The District will also take action if anyone tries to intimidate a student or take action to harm them because they made such a report.

This is a summary of this District's policy against sexual harassment, and harassment based on gender, race, national origin, ethnicity, religion, sexual orientation, or disability. A complete copy of the policy is available at the School office upon request.

Bullying

Bullying is intentional harmful behavior initiated by one or more students and directed toward another student. Bullying exists when a student with more social and/or physical power deliberately dominates and harasses another who has less power. Bullying happens in several different forms including:

- Physical bullying involves harmful actions against another person's body. Physical bullying also involves the interference with another person's property.
- Verbal bullying involves speaking to a person or about a person in an unkind or hurtful way.
- Emotional bullying involves behaviors that upset, exclude, or embarrass a person.
- Sexual bullying singles out a person because of gender and demonstrates unwarranted or unwelcome sexual behavior.
- Racial bullying involves rejection or isolation of a person because of ethnicity.
- Cyber bullying is a form of indirect or social bullying that uses technological communications to humiliate, harass, embarrass, tease, intimidate, threaten, or slander another person. Cyber bullying is the act of being cruel to others by possessing or sending or posting harmful material or compromising photographs online or via any electronic device.

Hazing

Hazing violates the MHUSD School Code of Conduct. This may be directed toward an act which ridicules, humiliates or embarrasses.

Examples include, but are not limited to:

- Identifying students by demeaning names
- Intentional isolation
- Scaring students with what may happen at initiation
- Requiring students to wear ridiculous costumes or perform ridiculous activities · Stunt or skit nights/events with demeaning and/or crude skits and/or poems · Requiring students to perform personal service to students such as carrying books, running errands, performing maid duties, etc.
- Forced alcohol consumption
- Forced ingestion of vile substances
- Gang initiation
- Assault including paddling, beating
- Birthday bashing

The commission of any of the above acts will garner disciplinary consequences which may include suspension and/or an arrest by MHPD.

MHUSD Special Education

The Individuals with Disabilities Education Act (IDEA) is a federal law that mandates a "free and appropriate public education" to children with disabilities. Morgan Hill Unified School District follows the education code for special education to be in compliance with the IDEA. Students become eligible for special education services through a formalized process of evaluation. Anyone who suspects that a student is disabled may request an evaluation in writing. Requests will receive response from the school site within 15 days. Usually a Student Study Team is asked to determine whether an assessment is necessary. If recommended, assessments will take place within 60 days of the initial request. If an assessment is not recommended, the Study Team will explain their reasoning in writing. Once a student has been assessed, an Individualized Education Plan (IEP) meeting is held to determine a student's eligibility for services.

MHUSD Non-discrimination

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic and other educational support programs, services, and

activities. The Board prohibits, at any district school or school activity, unlawful discrimination, harassment, intimidation, and bullying of any student based on the student's actual race, color, ancestry, national origin, ethnic group identification, age, religion, marital or family/guardian status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

Prohibited discrimination, harassment, intimidation, or bullying includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above that is so severe and pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Students who engage in discrimination, harassment, intimidation, bullying, or retaliation in violation of law, Board policy, or administrative regulation shall be subject to appropriate discipline, up to and including counseling, suspension, and/or expulsion. Any employee who permits or engages in prohibited discrimination, harassment, intimidation, bullying, or retaliation shall be subject to disciplinary action, up to and including dismissal.

The Coordinator for Nondiscrimination will handle complaints regarding discrimination, harassment, intimidation, or bullying, and will answer inquiries regarding the district's nondiscrimination policies: call Human Resources at (408) 201-6015.

MHUSD Notice of Compliance

The California Department of Education sets policies and procedures that districts must follow to ensure compliance with state and federal regulations. We are required to provide notice of the information below to all guardians and students in grades kindergarten through twelve regarding pregnant, lactating and parenting students.

The LEA provides reasonable accommodations to a lactating pupil on a school campus to express breast milk, breast-feed an infant child, or address other needs related to breast-feeding. A school shall be required to provide the reasonable accommodations specified only if there is at least one lactating pupil on the school campus.

(a) Reasonable accommodations under this section include, but are not limited to, all of the following: (1) Access to a private and secure room, other than a restroom, to express breast milk or breast-feed an infant child.

(2) Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk.

(3) Access to a power source for a breast pump or any other equipment used to express breast milk.

(4) Access to a place to store expressed breast milk safely.

(b) The district provides a lactating pupil on a school campus with a reasonable amount of time to accommodate her need to express breast milk or breast-feed an infant child.

(c) The district ensures that a pupil does not incur an academic penalty as a result of her use, during the school day, of the reasonable accommodations specified in this section, and pupils are provided the opportunity to make up any work missed due to such use.

EC § 222(a), (b), (e)

Safe Firearm Storage: Parent/Guardian Responsibilities in California

Effective January 1, 2026, California law (Senate Bill 53) requires all firearms in a residence to be

securely stored when not being carried or readily controlled by the owner or another authorized user. Secure storage means the firearm is maintained within, locked by, or disabled using a California Department of Justice-certified firearm safety device or a secure gun safe. All California school districts are required to inform and remind parents and legal guardians of their legal responsibilities regarding the safe storage of firearms, ensuring they're kept out of the hands of children. Families should actively evaluate their practices to ensure compliance with state law.

California law outlines criminal liability for individuals who keep firearms, whether loaded or unloaded, in premises under their control where they know or reasonably should know a child is likely to gain access without permission. If a child then obtains the firearm and:

- Causes death or injury to themselves or another person, or
- Carries the firearm off the premises or to a public place (including any preschool, K-12 school, or school-sponsored event), or
- Unlawfully brandishes the firearm, the responsible person can face criminal charges. It's important to note that the criminal penalty can be significantly higher if someone dies or suffers great bodily injury as a result of the child accessing the firearm.

Furthermore, California law also makes it a crime to negligently store or leave any firearm on premises where the person knows or reasonably should know a child is likely to gain access without permission, unless reasonable action is taken to secure it. This applies even if a minor never actually accesses the firearm.

Beyond potential fines and imprisonment, a gun owner found criminally liable under these California laws faces a 10-year prohibition from possessing, controlling, owning, receiving, or purchasing a firearm, effective January 1, 2020. Additionally, parents or guardians may also be held civilly liable for damages resulting from the discharge of a firearm by their child or ward.

For the full memo regarding Safe Gun Storage, please visit: https://shorturl.at/VPlCi

Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, employees, volunteers, and the general public by posting them on the district's web site and other prominent locations that are easily accessible to students. *(Education Code 234.1)*

2. Post in a prominent and conspicuous location on the district and school web sites information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the following: *(Education code 221.61)*

    a. The name and contact information of the district's Title IX coordinator, including the phone number and email address
    b. The rights of students and the public and the responsibilities of the district under Title IX,

including a list of rights as specified in *Education Code 221.8* and web links to information about those rights and responsibilities located on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)

c. A description of how to file a complaint of noncompliance with Title IX in accordance with *AR 1312.3* – Uniform Complaint Procedures, which shall include:

(1) An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations

(2) An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's web site

(3) A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office

3. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior. *(Education Code 234.1)*

4. Annually notify all students and parents/guardians of the district's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students, including transgender and gender-nonconforming students. The notice shall inform students and parents/guardians request to meet with the compliance officer to determine how best to accommodate or resolve concerns that may arise from the district's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the district will address any individual student's interests and concerns in private.

5. The Superintendent or designee shall ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with *Education Code 234.1* and *48985*. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

6. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include details of guidelines the district may use to provide a discrimination-free environment for all district students, including transgender and gender-nonconforming students.

7. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. *(Education Code 234.1)*

8. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students' privacy rights and ensure their safety from threatened or potentially discriminatory behavior.

Enforcement of District Policy

The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti

2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination and how to respond

3. Disseminating and/or summarizing the district's policy and regulation regarding unlawful discrimination

4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to students, parents/guardians, and the community

5. Taking appropriate disciplinary action against perpetrators and anyone determined to have engaged in wrongdoing, including any student who is found to have made a complaint of discrimination that he/she knew was not true

Process for Initiating and Responding to Complaints

Any student who feels that he/she has been subjected to unlawful discrimination described above or in district policy is strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, any student who observes any such incident is strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the compliance officer or principal within a school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. *(Education Code 234.1)*

When any report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is submitted to or received by the principal or compliance officer, he/she shall inform the student or parent/guardian of the right to file a formal complaint pursuant to the provisions in AR 1312.3 - Uniform Complaint Procedures. Any report of unlawful discrimination involving the principal, compliance officer, or any other person to whom the complaint would ordinarily be reported or filed shall instead be submitted to the Superintendent or designee. Even if the student chooses not to file a formal complaint, the principal or compliance officer shall implement immediate measures necessary to stop the discrimination and to ensure all students have access to the educational program and a safe school environment.

Upon receiving a complaint of discrimination, the compliance officer shall immediately investigate the complaint in accordance with the district's uniform complaint procedures specified in AR 1312.3.

Transgender and Gender-Nonconforming Students

Gender identity means a student's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. *(Education Code 210.7)*

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Transgender student means a student whose gender identity or gender expression is different from that traditionally associated with the assigned sex at birth.

Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, regardless of whether they are sexual in nature, where the act has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment are prohibited under state and federal law. Examples of the types of conduct which are prohibited in the district and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with his/her gender identity
2. Disciplining or disparaging a transgender student because his/her mannerisms, hairstyle, or style of dress correspond to his/her gender identity, or a non-transgender student because his/her mannerisms, hairstyle, or style of dress do not conform to stereotypes for his/her gender or are perceived as indicative of the other sex
3. Blocking a student's entry to the bathroom that corresponds to his/her gender identity because the student is transgender or gender-nonconforming
4. Taunting a student because he/she participates in an athletic activity more typically favored by a student of the other sex
5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information
6. Use of gender-specific slurs
7. Physical assault of a student motivated by hostility toward him/her because of his/her gender, gender identity, or gender expression

The district's uniform complaint procedures (AR 1312.3) shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students.

Examples of bases for complaints include, but are not limited to, the above list as well as improper rejection by the district of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory

enforcement of a dress code, and other instances of gender-based harassment.

To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case-by-case basis, in accordance with the following guidelines:

1. Right to privacy: A student's transgender or gender-nonconforming status is his/her private information and the district will only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In the latter instance, the district shall limit disclosure to individuals reasonably believed to be able to protect the student's well-being. Any district employee to whom a student discloses his/her transgender or gender-nonconforming status shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless he/she is required to disclose or report the student's information pursuant to this administrative regulation, and shall inform the student that honoring the student's request may limit the district's ability to meet the student's needs related to his/her status as a transgender or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

   As appropriate given the student's need for support the compliance officer may discuss with the student any need to disclose the student's transgender or gender-nonconformity status or gender identity or gender expression to his/her parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The district shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

2. Determining a Student's Gender Identity: The compliance officer shall accept the student's assertion of his/her gender identity unless district personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose.

3. Addressing a Student's Transition Needs: The compliance officer shall arrange a meeting with the student and, if appropriate, his/her parents/guardians to identify and to develop strategies for ensuring that the student's access to education programs and activities is maintained. The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to his/her status as a transgender or gender-nonconforming individual, so that prompt action could be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are meeting his/her educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.

4. Accessibility to Sex-Segregated Facilities, Programs, and Activities: When the district maintains sex-segregated facilities, such as restrooms and locker rooms, and sex-segregated programs and activities, such as physical education classes, intramural sports, and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity. To address any student's privacy concerns in using

sex-segregated facilities, the district shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, access to a staff member's office, or use of the locker room before or after the other students. However, the district shall not require a student to utilize these options because he/she is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with his/her gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with his/her gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

5. Student Records: A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed pursuant to a court order. However, at the written request of a student or, if appropriate, his/her parents/guardians, the district shall use the student's preferred name and pronouns consistent with his/her gender identity on all other district-related documents. Such preferred name may be added to the student's record and official documents as permitted by law.

6. Names and Pronouns: If a student so chooses, district personnel shall be required to address the student by a name and the pronouns consistent with his/her gender identity, without the necessity of a court order or a change to his/her official district record. However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns will, in general, not constitute a violation of this administrative regulation or the accompanying district policy.

7. Uniforms/Dress Code: A student has the right to dress in a manner consistent with his/her gender identity, subject to any dress code adopted on a school site.

Regulation approved: June 19, 2018

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

MORGAN HILL UNIFIED SCHOOL DISTRICT
SEXUAL ORIENTATION/GENDER IDENTITY HARASSMENT
INCIDENT REPORT FORM

(To be completed by Compliance Coordinator within 15 days of oral or written complaint)

The Morgan Hill Unified School District is committed to providing a workplace and educational environment free of sexual orientation/gender identity harassment. It is the policy of the District that sexual orientation/gender identity harassment by or of any employee, student, applicant, or other individual is unacceptable conduct and will not be tolerated. District policy and applicable law prohibits retaliation against any employee, student or other person for reporting an incident of sexual orientation/gender identity harassment, filing a sexual orientation/gender identity harassment complaint or participating in an investigation, hearing, or other legal proceeding. The District will use the information provided below to investigate allegations, determine what occurred and, if warranted, take steps intended to end any unlawful sexual orientation harassment and prevent similar future conduct. The information provided herein, and all subsequent information obtained by the District, shall be kept confidential to the greatest extent possible during the investigation process.

Name of Complainant: _____

Relationship to the District (Circle one): Employee Student Volunteer Other (Specify):

If Student: Grade:___ Age:___ Parent's Names: _____

Department/School: _____

Home Address: _____

_____

Home Phone: _____ Work Phone: _____

Date(s) of alleged incident(s): _____Location(s) of alleged incident(s): _____

Nature of the allegation:

Name(s) of the person(s) who were harassed (if different from complainant):

_____

Name(s) of the person(s) alleged to have harassed the victim: _____

_____

_____

Relationship of harasser to the District (Circle one): Employee Student Volunteer Other (Specify): ___

_____

Provide the names or physical description of any witnesses and/or other individuals who were present at the scene(s) of the incident(s). (Attach additional pages if necessary):

Statements: Using the space provided or additional pages, the Compliance Coordinator is to provide a detailed narrative of the incident(s). Describe the incident(s) as completely as possible, including information such as: (1) any verbal statements (i.e., threats, requests, demands, etc.); (2) any conduct or physical contact (3) victim's response to the harasser's statements or conduct; (4) any documents regarding the harassment (notes, letters, etc. from harasser); (5) any other individuals who have knowledge of the alleged harassment; (6) all the facts regarding who, what, when, where, how, and why; and (7) victim's statement of proposed resolution to the complaint (What would resolve this complaint to the victim's satisfaction?).

Statement of Complainant:

I hereby certify that the information I have provided in this report and any attachments is true, correct, and complete to the best of my knowledge and belief.

_____

Complainant's Name and Signature Date

Statement of alleged perpetrator (if known):

I hereby certify that the information I have provided in this report and any attachments is true, correct, and complete to the best of my knowledge and belief.

_____

Alleged perpetrator Name and Signature Date

Witness statement(s):

I hereby certify that the information I have provided in this report and any attachments is true, correct, and complete to the best of my knowledge and belief.

_____

Witness Name and Signature Date

_____

Complaint Received By **[Name & Title or Position]** Date

Outcome of investigation:

Signature of Compliance Coordinator_____ Date_____

Action taken by Morgan Hill Unified School District:

Compliance Coordinator's Initials: _____

Attach copies of any documents supplied to the district or created during the investigation or complaint process.

CONDUCT

The Governing Board believes that all students have the right to be educated in a positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, going to or coming from school, at school activities, or using district transportation.

The Superintendent or designee shall ensure that each school develops standards of conduct and discipline consistent with Board policies and administrative regulations. Students and parents/guardians shall be notified of district and school rules related to conduct.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others, including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats

2. Discrimination, harassment, intimidation, or bullying of students or staff, including sexual harassment, hate-motivated behavior, cyberbullying, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption

3. Conduct that disrupts the orderly classroom or school environment

4. Willful defiance of staff's authority

5. Damage to or theft of property belonging to students, staff, or the district

   The district shall not be responsible for students' personal belongings which are brought on campus or to a school activity and are lost, stolen, or damaged.

6. Obscene acts or use of profane, vulgar, or abusive language

7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drugs

8. Possession or use of a laser pointer, unless for a valid instructional or other school-related purpose (Penal Code 417.27)

Prior to bringing a laser pointer on school premises for a valid instructional or school-related purpose, a student shall obtain permission from the principal or designee.

9. Use of a cellular/digital telephone, pager, or other mobile communications device during instructional time

Such devices shall be turned off in class, except when being used for a valid instructional or other school-related purpose as determined by the teacher or other district employee, and at any other time directed by a district employee. Any device with camera, video, or voice recording function shall not be used in any manner which infringes on the privacy rights of any other person.

No student shall be prohibited from possessing or using an electronic signaling device
that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to purposes related to the student's health. (Education Code 48901.5)

10. Plagiarism or dishonesty on school work or tests

11. Inappropriate attire

12. Tardiness or unexcused absence from school

13. Failure to remain on school premises in accordance with school rules

Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or receive a report of a violation of these standards, to immediately intervene or call for assistance. If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or an administrator for further investigation.

When a school official suspects that a search of a student or his/her belongings will turn up evidence of the student's violation of the law or school rules, such a search shall be conducted in accordance with BP/AR 5145.12 - Search and Seizure.

When a student uses any prohibited device, or uses a permitted device in any unethical or illegal activity, a district employee may confiscate the device. The employee shall store the item in a secure manner until an appropriate time.

Students who violate district or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, referral to a student success team or counseling services, or denial of participation in extracurricular or cocurricular activities or other privileges in accordance with Board policy and administrative regulation. The Superintendent or designee shall notify local law enforcement as appropriate.

Students also may be subject to discipline, in accordance with law, Board policy, or administrative regulation, for any off-campus conduct during non-school hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts school activities.

Policy adopted: November 13, 2012

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Bus Conduct BP 5131.1

In order to help ensure the safety and well-being of students, bus drivers, and others, the Governing Board expects students to exhibit appropriate and orderly conduct at all times when using school transportation, including while preparing to ride, riding, or leaving the bus.

The Superintendent or designee shall establish regulations related to student conduct on buses, bus driver authority, and the suspension of riding privileges. He/she shall make these rules available to parents/guardians, students, and other interested parties. (5 CCR 14103)

Students found to be in violation of the district's bus conduct rules shall be subject to discipline in accordance with Board policy and administrative regulation.

The Superintendent or designee may deny a student the privilege of using school transportation upon the student's continued disorderly conduct or his/her persistent refusal to submit to the authority of the driver. (5 CCR 14103)

Bus Surveillance Systems

The Board believes that the use of surveillance systems on school buses will help to deter misconduct and improve discipline, ensure the safety of students and bus drivers, and prevent vandalism. Therefore, surveillance systems may be installed and used on school buses to monitor student behavior while traveling to and from school and school activities.

The Superintendent or designee shall notify students, parents/guardians, and staff that surveillance may occur on any school bus and that the contents of a recording may be a student record and, as such, may be used in student disciplinary proceedings or referred to local law enforcement, as appropriate. In addition, a prominent notice shall be placed in each bus stating that the bus is equipped with a surveillance monitoring system.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: November 13, 2012 Morgan Hill, California

Bus Conduct AR 5131.1

Bus Rider Rules

The following rules apply at all times when students are riding a school bus, including when on school activity trips:

1. Riders shall follow the instructions and directions of the bus driver at all times.
2. Riders should arrive at their designated bus stop prior to departure time and stand in a safe place at least 12 feet in front of where the bus stops and wait quietly for the bus.
3. Riders shall enter the bus in an orderly manner and go directly to their seats.
4. Riders shall sit down and fasten any passenger restraint systems. Riders shall remain seated while the bus is in motion.
5. Riders shall not block the aisle or emergency exit with their body or personal belongings. Riders may bring large or bulky items, such as class projects or musical instruments, on the bus only if the item does not displace any other rider or obstruct the driver's vision.
6. Riders should be courteous and respectful to the driver and to fellow passengers. Vulgarity, rude, or abusive behavior is prohibited.
7. Any noise or behavior that could distract the driver, such as loud talking, scuffling or fighting, throwing objects, or standing or changing seats, is prohibited and may lead to suspension of riding privileges.
8. Riders shall not use tobacco products, eat, or drink while riding the bus.
9. Riders may bring electronic devices onto the bus only if such devices are permitted at school. If the use of cellular telephones or similar devices disrupts the safe operation of the school bus, the bus driver may direct the student to no longer use the device on the bus.
10. Riders shall not put any part of the body out of the window nor throw any item from the bus.

11. Riders shall help keep the bus and the area around the bus stop clean. Riders shall not damage or deface the bus or tamper with bus equipment.

12. Service animals are permitted on school transportation services; all other animals are prohibited. *(Education Code 39839; 13 CCR 1216)*

13. Upon reaching their destination, riders shall remain seated until the bus comes to a complete stop and unfasten any restraint system, enter the aisle, and go directly to the exit.

14. Riders should be alert for traffic when leaving the bus and shall follow the district's transportation safety plan when exiting the bus and crossing the road.

The driver or any passenger shall report any violation of the district's bus rules to the principal or designee. The principal or designee shall notify the student's parent/guardian of the misbehavior, determine the severity of the misconduct, and take action accordingly. In instances of a severe violation or repeated offenses, the rider may be denied transportation for a period of time determined appropriate by the principal or designee.

Bus Surveillance Systems

The Superintendent or designee shall monitor the use and maintenance of the district's bus surveillance system. Students are prohibited from tampering with the bus surveillance system. Any student found tampering with the system shall be subject to discipline and shall be responsible for the costs of any necessary repairs or replacement.

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
approved: November 13, 2012 Morgan Hill, California

Students BP 5131.2

BULLYING

The Governing Board recognizes the harmful effects of bullying on student well-being, student learning, and school attendance and desires to provide a safe school environment that protects students from physical and emotional harm. No individual or group shall, through physical, written, verbal, visual, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel, or retaliate against them for filing a complaint or participating in the complaint resolution process.

The Superintendent or designee shall develop strategies for addressing bullying in district schools with the involvement of students, parents/guardians, and staff. As appropriate, the Superintendent or designee may also collaborate with social services, mental health services, law enforcement, courts, and other agencies and community organizations in the development and implementation of effective strategies to promote safety in schools and the community.

Such strategies shall be incorporated into the comprehensive safety plan and, to the extent possible, into the local control and accountability plan and other applicable district and school plans.

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in

accordance with law and the district's uniform complaint procedures specified in AR 1312.3. If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: August 6, 2019 Morgan Hill, California

Bullying AR 5131.2 Students

Examples of Prohibited Conduct

Bullying is an aggressive behavior that involves a real or perceived imbalance of power between individuals with the intent to cause emotional or physical harm. Bullying can be physical, verbal, or social/relational and may involve a single severe act or repetition or potential repetition of a deliberate act. Bullying includes, but is not limited to, any act described in *Education Code 48900(r).*

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images. Cyberbullying also includes breaking into another person's electronic account or assuming that person's online identity in order to damage that person's reputation.

Examples of the types of conduct that may constitute bullying and are prohibited by the district include, but are not limited to:

1. Physical bullying: An act that inflicts harm upon a person's body or possessions, such as hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's possessions, or making cruel or rude hand gestures

2. Verbal bullying: An act that includes saying or writing hurtful things, such as teasing, name-calling, inappropriate sexual comments, taunting, or threats to cause harm

3. Social/relational bullying: An act that harms a person's reputation or relationships, such as leaving a person out of an activity on purpose, influencing others not to be friends with someone, spreading rumors, or embarrassing someone in public

4. Cyberbullying: An act such as sending demeaning or hateful text messages or emails, spreading rumors by email or by posting on social networking sites, or posting or sharing embarrassing photos, videos, web site, or fake profiles

Measures to Prevent Bullying

The Superintendent or designee may implement measures to prevent bullying in district schools, including, but not limited to, the following:

1. Ensuring that each school establishes clear rules for student conduct and implements strategies to promote a positive, collaborative school climate

2. Providing information to students, through student handbooks, district and school web sites and

social media, and other age-appropriate means, about district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying

3. Encouraging students to notify school staff when they are being bullied or when they suspect that another student is being bullied, and providing means by which students may report threats or incidents confidentially and anonymously

4. Conducting an assessment of bullying incidents at each school and, if necessary, increasing supervision and security in areas where bullying most often occurs, such as playgrounds, hallways, restrooms, and cafeterias

5. Annually notifying district employees that, pursuant to *Education Code 234.1,* any school staff who witnesses an act of bullying against a student has a responsibility to immediately intervene to stop the incident when it is safe to do so

Staff Development

The Superintendent or designee may make annually make available to all certificated staff and to other employees who have regular interaction with students the California Department of Education (CDE) online training module on the dynamics of bullying and cyberbullying, including the identification of bullying and cyberbullying and the implementation of strategies to address bullying. *(Education Code 32283.5)*

The Superintendent or designee may provide training to teachers and other school staff to raise their awareness about the legal obligation of the district and its employees to prevent discrimination, harassment, intimidation, and bullying of district students. Such training shall be designed to provide staff with the skills to:

1. Discuss the diversity of the student body and school community, including their varying immigration experiences
2. Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims
3. Identify the signs of bullying or harassing behavior
4. Take immediate corrective action when bullying is observed
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior

Information and Resources

The Superintendent or designee shall post on the district's website, in a prominent location and in a manner that is easily accessible to students and parents/guardians, information on bullying and harassment prevention which includes the following: *(Education Code 234.6)*

1. The district's policy on student suicide prevention, including a reference to the policy's age appropriateness for students in grades K-6

2. The definition of sex discrimination and harassment as described in *Education Code 230,* including the rights set forth in *Education Code 221.8*

3. Title IX information included on the district's web site pursuant to *Education Code 221.6*1, and a link to the Title IX information included on CDE's web site pursuant to *Education Code 221.6*

4. District policies on student sexual harassment, prevention and response to hate violence, discrimination, harassment, intimidation, bullying, and cyberbullying

5. A section on social media bullying that includes all of the references described in *Education Code 234.6* as possible forums for social media

6. A link to statewide resources, including community-based organizations, compiled by CDE pursuant to *Education Code 234.5.*

7. Any additional information the Superintendent or designee deems important for preventing bullying and harassment

Student Instruction

As appropriate, the district shall provide students with instruction in the classroom or other educational settings, that promotes social-emotional learning, effective communication and conflict resolution skills, character development, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

The district shall also educate students about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, religious beliefs and customs, or any other individual bias or prejudice.

Students should be taught the difference between appropriate and inappropriate behaviors, how to advocate for themselves, how to help another student who is being bullied, and when to seek assistance from a trusted adult. As role models for students, staff shall be expected to demonstrate effective problem-solving and anger management skills.

To discourage cyberbullying, teachers may advise students to be cautious about sharing passwords, personal data, or private photos online and to consider the consequences of making negative comments about others online.

Reporting and Filing of Complaints

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee.

When a report of bullying is submitted, the principal or a district compliance officer shall accept the complaint and/or inform the student or parent/guardian of the right to file a formal written complaint in accordance with *AR 1312.3* - Uniform Complaint Procedures. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of

bullying involving a student shall, within one business day, report such observation to the principal or a district compliance officer, whether or not the alleged victim files a complaint.

Within two business days of receiving a report of bullying, the principal shall notify the district compliance officer identified in *AR 1312.3.*

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

Discipline/Corrective Actions

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in *Education Code 48900,* may include suspension or expulsion in accordance with district policies and regulations.

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

Support Services

The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. *(Education Code 48900.9)*

If any student involved in bullying exhibits warning signs of suicidal thought or intention or of intent to harm another person, the Superintendent or designee shall, as appropriate, implement district intervention protocols which may include, but are not limited to, referral to district or community mental health services, other health professionals, and/or law enforcement.

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
approved: January 17, 2020 Morgan Hill, California

Student Disturbances BP 5131.4

The Governing Board desires to provide orderly campuses that create a positive school environment and are conducive to learning. When students initiate or are involved in a campus disturbance that has the potential to threaten the safety of students or staff, the Superintendent or designee may request law enforcement assistance.

The Superintendent or designee and the principal of each school shall establish a school disturbance response plan that is intended to curb disruptions which may lead to riots, violence, or vandalism at

school or at school-sponsored events. In developing each school's plan, the Superintendent or designee shall consult with local law enforcement authorities to create guidelines for law enforcement support and intervention.

Staff are encouraged to be alert to conditions at school that may lead to a disturbance, such as racial or cultural conflict, student protests, or gang intimidation and confrontations. Staff who believe that a disturbance is imminent, or who see a disturbance occurring, shall immediately contact the principal and invoke the school disturbance response plan.

Students who participate in a campus disturbance shall be subject to disciplinary action in accordance with Board policy and administrative regulations.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: November 13, 2012 Morgan Hill, California

Student Disturbances AR5131.4
Prohibited Activities

A student involved or attempting to be involved in any of the following prohibited activities shall be subject to discipline:

1. Disturbing the peace, including, but not limited to, causing or attempting to cause a riot, burning or destroying property, fighting, challenging another to fight, or using offensive words likely to provoke a fight
2. Disrupting school operations, including, but not limited to, exercising free expression which is obscene, libelous, or slanderous or so incites students as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or substantially disrupting the orderly operation of the school *(Education Code 48907)*

   Other examples of activities that may be considered disrupting school operations include, but are not limited to:

   a. Organizing or participating in unauthorized assemblies on school premises
   b. Participating in sit-ins or stand-ins which deny students or employees normal access to school premises
   c. Interfering with or unauthorized use of the district's computer system

3. Refusing to disperse, including, but not limited to, assembling for the purpose of causing a disruption and refusing to disperse upon the direction of school personnel
4. Boycotting school, including, but not limited to, participating in any protest that involves nonattendance where attendance is required at school, class, or at a school activity

Any student who participates in a boycott shall be given an unexcused absence and may be classified as truant, regardless of any parent/guardian approval of the absence.

Extension of Class Period and/or Dismissal of School

During any disturbance in which additional students might become involved while changing classes, the principal or designee may notify all staff that any class currently in session will be extended until further notice. Upon receiving this notification, staff shall ensure that all students in their charge remain in one location under their supervision and shall ask all students who are in the halls to return to their classes immediately.

The principal may also request that the Superintendent dismiss school in accordance with the school disturbance response plan.

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
approved: November 13, 2012 Morgan Hill, California

Use Of Seclusion And Restraint AR 5131.41

District staff shall enforce standards of appropriate student conduct in order to provide a safe and secure environment for students and staff on campus, but are prohibited from using seclusion and behavioral restraint to control student behavior except to the limited extent authorized by law.

Definitions

Behavioral restraint includes mechanical restraint or physical restraint used as an intervention when a student presents an immediate danger to self or to others. Behavioral restraint does not include postural restraints or devices used to improve a student's mobility and independent functioning rather than to restrict movement. *(Education Code 49005.1)*

Mechanical restraint means the use of a device or equipment to restrict a student's freedom of movement. Mechanical restraint does not include the use of devices as prescribed by an appropriate medical or related services professional, including, but not limited to, adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment; vehicle safety restraints during the transport of a student; restraints for medical immobilization; or orthopedically prescribed devices which permit a student to participate in activities without risk of harm. Mechanical restraint also does not include the use of devices by peace officers or security personnel for detention or for public safety purposes. *(Education Code 49005.1)*

Physical restraint means a personal restriction that immobilizes or reduces the ability of a student to move the torso, arms, legs, or head freely. Physical restraint does not include a physical escort in which a staff member temporarily touches or holds the student's hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location. Physical restraint also does not include the use of force by peace officers or security personnel for detention or for public safety purposes. *(Education Code 49005.1)*

Prone restraint means the application of a behavioral restraint on a student in a facedown position. *(Education Code 49005.1)*

Seclusion means the involuntary confinement of a student alone in a room or an area from which the student is physically prevented from leaving. Seclusion does not include a timeout involving the monitored separation of the student in an unlocked setting, which is implemented for the purpose of calming the student. *(Education Code 49005.1)*

Prohibitions

Seclusion and behavioral restraint of students shall not be used in any form as a means of coercion, discipline, convenience, or retaliation. *(Education Code 49005.8)*

In addition, staff shall not take any of the following actions: *(Education Code 49005.2, 49005.8)*

1. Administer a drug that is not a standard treatment for a student's medical or psychiatric condition in order to control the student's behavior or restrict the student's freedom of movement
2. Use locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use as a locked room
3. Use a physical restraint technique that obstructs a student's respiratory airway or impairs a student's breathing or respiratory capacity, including a technique in which a staff member places pressure on the student's back or places his/her body weight against the student's torso or back
4. Use a behavioral restraint technique that restricts breathing, including, but not limited to, the use of a pillow, blanket, carpet, mat, or other item to cover a student's face
5. Place a student in a facedown position with the student's hands held or restrained behind the student's back
6. Use a behavioral restraint for longer than is necessary to contain the behavior that poses a clear and present danger of serious physical harm to the student or others

Limited Use of Seclusion or Restraint

Staff shall avoid the use of seclusion and behavioral restraint of students whenever possible. Seclusion or behavioral restraint may be used only to control student behavior that poses a clear and present danger of serious physical harm to the student or others, which cannot be prevented by a response that is less restrictive. *(Education Code 49005.4, 49005.6, 49005.8)*

If a student is put in seclusion, the student shall be under constant, direct observation of a staff member. Such observation may be through a window or another barrier through which the staff member is able to make direct eye contact with the student, but shall not be made through indirect means such as a security camera or closed-circuit television. *(Education Code 49005.8)*

If a student is restrained, staff shall afford the student the least restrictive alternative and the maximum freedom of movement, and shall use the least number of restraint points, while ensuring the physical safety of the student and others. *(Education Code 49005.8)*

If a prone restraint technique is used on a student, a staff member shall observe the student for any signs of physical distress throughout the use of the restraint. Whenever possible, the staff member monitoring the student shall not be involved in restraining the student. *(Education Code 49005.8)*

Reports

The Superintendent or designee shall annually collect data on the number of times that seclusion, mechanical restraint, and physical restraint were used on students and the number of students subjected to such techniques. The data shall be disaggregated by race/ethnicity and gender, and reported for students with a Section 504 plan, students with an individualized education program, and all other students. This report shall be submitted to the California Department of Education no later than three months after the end of each school year, and shall be available as a public record pursuant to *Government Code 6250-6270. (Education Code 49006)*

Regulation approved: March 29, 2019

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Alcohol and Other Drugs BP 5131.6

The Governing Board believes that the use of alcohol or other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. The Board desires to keep district schools free of alcohol and other drugs in order to help prevent violence, promote school safety and create a well-disciplined environment conducive to learning.

The Superintendent or designee may develop, implement and evaluate a comprehensive prevention and intervention program that is coordinated with other school and community-based services and programs. The district's program shall be scientifically based and designed to prevent or reduce alcohol or other drug use and the possession and distribution of illegal drugs. It shall include primary prevention activities such as decision-making skills and conflict management, instruction, referral to a rehabilitation program, enforcement/discipline, activities that promote the involvement of parents/guardians and coordination with appropriate community agencies and organizations.

The Board and Superintendent shall agree upon performance measures that will be used to monitor and determine the effectiveness of the district's program in reducing drug and alcohol use. The Superintendent or designee shall develop and implement an evaluation process that includes ongoing assessment and analysis of objective data regarding the incidence of drug and alcohol use among district students, including discipline problems, and the prevalence of risk factors.

The Superintendent or designee shall consult with principals, teachers, other school personnel, students and parents/guardians when developing the district's program.

The Superintendent or designee shall clearly communicate to all students, staff and parents/guardians the district's policies, regulations and school rules related to the use of alcohol and other drugs on school campuses or at school activities. Information about program needs and goals shall be widely distributed in the community.

Staff should encourage students to participate as responsible partners in efforts to maintain a safe, constructive school climate.

The district's drug education program shall augment county drug education services, if any. District staff shall take every opportunity to cooperate with county and county office of education staff in planning and implementing collaborative alcohol and drug prevention programs.

Instruction

The district shall provide science-based preventative instruction which has been proven effective in helping students avoid the use of alcohol and other drugs.

All instruction and related materials shall consistently state that unlawful use of alcohol or other drugs is wrong and harmful. Instruction shall not include the concept of responsible use of drugs or alcohol when such use is illegal. *(20 USC 7114, 7162; Health and Safety Code 11999.2)*

The district shall offer staff development activities for staff who implement the comprehensive drug and alcohol prevention and intervention program.

Intervention, Referral and Student Assistance Programs

School staff, students and parents/guardians shall be informed about early warning signs which may indicate alcohol and other drug use and about appropriate agencies offering intervention programs, counseling, referral and other student assistance programs.
The Board strongly encourages any student who is using alcohol or drugs to discuss the matter with his/her parent/guardian or with any staff member. Students who disclose their use of alcohol or other drugs when seeking help from an intervention or recovery program shall not be disciplined for such use.

Enforcement/Discipline

The Superintendent or designee shall take appropriate action to eliminate possession, use or sale of alcohol and other drugs and related paraphernalia on school grounds or at school-sponsored activities.

Students possessing, using or selling alcohol or other drugs or related paraphernalia shall be subject to disciplinary procedures including suspension or expulsion and/or referral to law enforcement in accordance with law, Board policy and administrative regulation. In addition, such students may be referred to an appropriate counseling program, transferred to an alternative placement, and/or be restricted from extracurricular activities, including athletics.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: November 13, 2012 Morgan Hill, California

Alcohol And Other Drugs AR 5131.6

Instruction

The curriculum of all elementary and secondary schools shall include instruction on the effects upon the human body, as determined by science, of tobacco, alcohol, narcotics, dangerous drugs as defined in Health and Safety Code 11032, and other dangerous substances. Instruction shall be sequential in nature and suited to meet the needs of students at their respective grade level. *(Education Code 51203, 51260)*

In grades 1-6, instruction on drug education should be provided in conjunction with courses health required conjunction with by *Education Code 51210. (Education Code 51260)*

In grades 7-12, instruction on drug education shall be conducted in conjunction with health courses and in any other appropriate area of study required by *Education Code 51220. (Education Code 51260)*

Secondary school instruction shall also include a study of the effects of alcohol and other drugs upon prenatal development. *(Education Code 51203)*

Instruction shall be provided by appropriately trained instructors who have demonstrated competencies, as determined by the principal or designee, in the following areas: *(Education Code 51260)*

1. The ability to interact with students in a positive way
2. Knowledge of the properties and effects of tobacco, alcohol, narcotics, dangerous drugs, and shared drug apparatus
3. Effective teaching skills and competency in helping students to express opinions responsibly and to become aware of their values as they affect drug-use decisions

Intervention

District staff shall intervene whenever students use alcohol or other illegal drugs while on school property or under school jurisdiction. Staff members who have a reasonable suspicion that a student may be under the influence of alcohol or drugs shall immediately notify the principal or designee.

If the principal or designee, in his/her professional capacity or in the course of his/her employment, knows, observes or suspects that a student may be under the influence of alcohol or drugs, he/she may notify the parent/guardian. *(Education Code 44049)*

School staff shall not disclose confidential information provided during counseling by a student 12 years of age or older. A school counselor may report such information to the principal or parent/guardian only when he/she believes that disclosure is necessary to avert a clear and present danger to the health, safety or welfare of the student or other persons living in the school community. The school counselor shall not disclose such information to the parent/guardian if he/she believes that the disclosure would result in a clear and present danger to the student's health, safety or welfare. *(Education Code 44049, 49602)*

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
approved: November 13, 2012 Morgan Hill, California

Tobacco BP 5131.62

Prohibition Against Tobacco Use

Students shall not possess, smoke, or use tobacco or any product containing tobacco or nicotine while on campus, while attending school-sponsored activities, or while under the supervision and control of district employees. Prohibited products include, but are not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. *(Education Code 48900, 48901)*

Students' possession or use of electronic cigarettes, electronic hookahs, and other vapor-emitting devices, with or without nicotine content, that mimic the use of tobacco products is also prohibited.

These prohibitions do not apply to a student's possession or use of his/her own prescription products. However, student possession or use of prescription products in school shall be subject to the district's policy and regulation for addressing the administration of medications on campus. *(Education Code 48900)*

Prevention Instruction

The district shall provide developmentally appropriate tobacco-use prevention instruction for students at selected grade levels from K-12 pursuant to *Education Code 51202.* Such instruction shall be aligned with state content standards and the state curriculum framework for health education and with any requirements of state and/or federal grant programs in which the district participates.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: June 23, 2015 Morgan Hill, California

Steroids BP 5131.63

The Governing Board recognizes that the use of steroids and other performance-enhancing supplements presents a serious health and safety hazard. As part of the district's drug prevention and intervention efforts, the Superintendent or designee and staff shall make every reasonable effort to prevent students from using steroids or other performance-enhancing supplements.

Students in grades 7-12 shall receive a lesson on the effects of steroids as part of their health, physical education, or drug education program.

Students participating in interscholastic athletics are prohibited from using steroids and dietary supplements banned by the U.S. Anti-Doping Agency as well as the substance synephrine. *(Education Code 49030)*

Before participating in interscholastic athletics, a student athlete and his/her parent/guardian shall sign a statement that the student athlete pledges not to use androgenic/anabolic steroids and dietary supplements banned by the U.S. Anti-Doping Agency and the substance synephrine, unless the student has a written prescription from a licensed health care practitioner to treat a medical condition.

A student who is found to have violated the agreement or this policy shall be restricted from participating in athletics and shall be subject to disciplinary procedures including, but not limited to, suspension or expulsion in accordance with law, Board policy, and administrative regulation.

Coaches shall educate students about the district's prohibition and the dangers of using steroids and other performance-enhancing supplements.

The Superintendent or designee shall ensure that district schools do not accept sponsorships or donations from supplement manufacturers that offer muscle-building supplements to students.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: November 13, 2012 Morgan Hill, California

Steroids AR 5131.63

The district shall not accept a sponsorship from any manufacturer or distributor whose name appears on the label of a dietary supplement that contains substances banned by the U.S. Anti-Doping Agency and the substance synephrine. Such supplements shall not be sold, distributed, or marketed at a school-related

event. (*Education Code 49031)*

Marketing includes, but is not limited to, direct product advertising, provision of educational materials, product promotion by a district employee or volunteer, product placement, clothing or equipment giveaways, or scholarships. Marketing shall not include the inadvertent display of a product name or advertising by a person who is not a manufacturer or distributor. *(Education Code 49031)*

School personnel and coaches may provide only nonmuscle-building nutritional supplements to student athletes for the purpose of providing additional calories and electrolytes, provided that they do not contain any dietary supplements prohibited by the U.S. Anti-Doping Agency and the substance synephrine. Permissible nonmuscle-building nutritional supplements are identified according to the following classes: carbohydrate/electrolyte drinks, energy bars, carbohydrate boosters, and vitamins and minerals.

School personnel, including coaches, shall follow the manufacturer's recommendations when discussing the use of any drug or food supplement with a student athlete. In order to minimize the health and safety risks to student athletes, school personnel shall not supply or recommend any drug, medication, or food supplement to enhance an athlete's performance.

Notice

The principal or designee shall ensure that the following warning, reproduced in 10-point bold type, is posted in every locker room of schools with classes in grades 7-12 and contained in any contracts for the lease or rental of the school's athletic facilities: *(Civil Code 1812.97)*

Warning: Use of steroids to increase strength or growth can cause serious health problems. Steroids can keep teenagers from growing to their full height; they can also cause heart disease, stroke, and damaged liver function.

Men and women using steroids may develop fertility problems, personality changes, and acne. Men can also experience premature balding and development of breast tissue. These health hazards are in addition to the civil and criminal penalties for unauthorized sale, use, or exchange of anabolic steroids.

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
approved: November 13, 2012 Morgan Hill, California

Weapons And Dangerous Instruments BP 5131.7

The Governing Board recognizes that students and staff have the right to a safe and secure campus free from physical and psychological harm and desires to protect them from the dangers presented by firearms and other weapons.

Possession of Weapons

The Board prohibits any student from possessing weapons, imitation firearms, or other dangerous instruments, as defined in law and administrative regulation, in school buildings, on school grounds or buses, at school-related or school-sponsored activities away from school, or while going to or coming from school.

Under the power granted to the Board to protect the safety of students, staff, and others on district

property and to maintain order and discipline in the schools, any school employee is authorized to confiscate any prohibited weapon, imitation firearm, or dangerous instrument from any student on school grounds.

Unless he/she has obtained prior written permission as specified below, a student possessing or threatening others with any weapon, dangerous instrument, or imitation firearm shall be subject to suspension and/or expulsion in accordance with law, Board policy, and administrative regulations.

The principal or designee shall notify law enforcement authorities when any student possesses a firearm, explosive, or other prohibited weapon or dangerous instrument without permission, sells or furnishes a firearm, or commits any act of assault with a firearm or other weapon. *(Education Code 48902; Penal Code 245, 626.9, 626.10; 20 USC 7151)*

Possession of Pepper Spray

To prevent potential misuse that may harm students or staff, students are prohibited from carrying tear gas or tear gas weapons such as pepper spray on campus or at school activities.

Reporting of Dangerous Objects

The Board encourages students to promptly report the presence of weapons, injurious objects, or other suspicious activity to school authorities. The identity of a student who reports such activity shall remain confidential to the extent permitted by law.

The Superintendent or designee shall develop strategies designed to facilitate student reporting of the presence of injurious objects on school grounds, such as tip hotlines, electronic transmissions, or other methods that preserve the student's anonymity. Incident reports and records shall not identify the student who reported the possession. The Superintendent or designee also shall inform staff, students, and parents/guardians that students who report the presence of injurious objects on school campuses are to be protected and their identity shielded.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
Adopted: November 13, 2012 Morgan Hill, California

Weapons And Dangerous Instruments AR 5131.7

Prohibited weapons and dangerous instruments include, but are not limited to: *(Education Code 48915, 49330; Penal Code 626.10, 16100-17350, 30310)*

1. Firearms: pistols, revolvers, shotguns, rifles, "zip guns," "stun guns," tasers, and any other device capable of propelling a projectile by the force of an explosion or other form of combustion

2. Ammunition or reloaded ammunition

3. Knives, razor blades, and box cutters: any dirks, daggers, ice picks, or other weapons with a fixed, sharpened blade fitted primarily for stabbing, weapons with a blade fitted primarily for stabbing, weapons with a blade longer than 2-1/2 inches, folding knives with a blade that locks into place, and razors with an unguarded blade

4. Explosive and/or incendiary devices: pipe bombs, time bombs, cap guns, containers of inflammable fluids, and other hazardous devices

5. Any instrument that expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, carbon dioxide pressure, or spring action, or any spot marker gun

6. Any other dangerous device, instrument, or weapon, including those defined in Penal Code 12020, including a blackjack, slingshot, billy, nunchaku, sandclub, sandbag, metal knuckles, or any metal plate with three or more radiating points with one or more sharp edges designed for use as a weapon

7. Any imitation firearm, defined as a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm

Any employee may take any weapon or dangerous instrument from the personal possession of a student while the student is on school premises or under the authority of the district. *(Education Code 49331, 49332)*

In determining whether to take possession of the weapon or dangerous instrument, the employee shall use his/her own judgment as to the dangerousness of the situation and, based upon this analysis, shall take one of the following actions:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action
3. Immediately notify the local law enforcement agency and the principal

When informing the principal about the possession of a weapon or dangerous instrument, the employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of the possession.

The principal shall report any possession of a weapon or dangerous instrument to the student's parents/guardians by telephone or in person, and shall follow this notification with a letter.

The employee shall retain possession of the instrument until the risk of its use as a weapon has dissipated or, upon the request of the student's parent/guardian, until the parent/guardian appears and personally takes possession. *(Education Code 49331, 49332)*

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
approved: November 13, 2012 Morgan Hill, California

Student Personal Smart and Other Communication Devices BP 5131.8

The Governing Board recognizes that student use of personal smart devices (e.g., cell phones, smartphones, smartwatches, smart glasses, smartpens, personal laptops, smart cameras, and other internet-enabled devices) on campus may be beneficial to student learning and safety but can also be harmful and disruptive to the instructional program, mental health, and school climate. As a result, when on campus and/or under the supervision of district employees, the Governing Board further desires to limit the use of personal smart devices during instructional time.

The Superintendent or designee may, in accordance with applicable law, implement measures or strategies to limit students' access to personal smart devices while on campus (Education Code 48901.7).

Possession of a personal smart device is a privilege that is conditional on the appropriate use of the device.

The Governing Board supports Grade band (TK-5, 6-8, 9-12) appropriate restrictions on personal smart devices in a manner that promotes a gradual increase in the release of responsibility.

1. Grades TK-5: Students may use their personal smart devices in designated drop-off and pick-up areas when staff supervision is present. Students who need to call parents during instructional time may use the school phone with permission from a staff member
2. Grades 6–8: Students may use their personal smart devices before and after school, during passing periods, lunch, and brunch in designated, supervised areas.
3. Grades 9-12: Students may use their personal smart devices before and after school, during passing periods, lunch, and brunch in designated, supervised areas.

All schools will work with their daily announcements and student leadership to conduct frequent, appropriate messaging and activities about smart device use to raise awareness of dopamine addiction, mental health, campus safety, and other related concerns.

The following are allowable exceptions per Education Code 48901.5, 48901.7:

1. In the case of an emergency or in response to a perceived threat of danger, provided use does not interfere with following the directions of school personnel or emergency responders.
2. When a teacher or administrator grants a student permission to possess or use a device, subject to any reasonable limitations imposed by that teacher or administrator, e.g., for class-related activities or educationally related purposes outlined in the curriculum.
3. When a licensed physician or surgeon determines that possession or use of a personal smart device is medically necessary, the student's use shall be limited exclusively to the documented medical purpose, as implemented and monitored by the school, and shall not extend to general or unrestricted access to the device.
4. When a student's Individualized Education Program (IEP) requires the possession or use of a personal smart device, authorization is limited exclusively to the specific functions and purposes documented in the IEP, and does not permit general or unrestricted device access.

While at school, students must use district-provided devices, district networks, and district student accounts, which are subject to district acceptable use monitoring and URL access limitations to educationally relevant sites. Students are required to follow the terms outlined in the Technology Acceptable Use Agreement.

At the beginning of each school year, school staff shall clearly communicate the District's expectations regarding the use of personal smart devices to students and their parents/guardians. Specific information regarding this communication is contained in the accompanying Administrative Regulation, including storage and accessibility of smart devices.

The district will not be responsible or liable for any student's personal smart device that is lost, stolen, or damaged while on campus or at a school activity.

School staff may review this policy and adjust student and staff training to improve its implementation, as needed.

The Board may review, as necessary, at least once every five years. Any such review or update shall encourage participation by educational partners.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: June 25, 2026 Morgan Hill, California

Academic Honesty BP 5131.9

The Governing Board believes that academic honesty and personal integrity are fundamental components of a student's education and character development. The Board expects that students will not cheat, lie, plagiarize or commit other acts of academic dishonesty.

Students, parents/guardians, staff and administrators shall be responsible for creating and maintaining a positive school climate that encourages honesty. Students found to have committed an act of academic dishonesty shall be subject to district and school-site discipline rules.

The Superintendent or designee may establish a committee comprised of students, parents/guardians, staff, administrators and members of the public to develop standards of academic honesty, measures of preventing dishonesty, and specific consequences for acts of dishonesty. Any recommendations for discipline shall be incorporated into the school's site level discipline rules.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: November 13, 2012 Morgan Hill, California

Maintaining Appropriate Adult-Student Interaction BP 4119.24

The Governing Board desires to provide a positive school environment that protects the safety and well-being of district students. The Board expects all adults with whom students may interact at school or in school-related activities, including employees, independent contractors, and volunteers, to maintain the highest professional and ethical standards in their interactions with students both within and outside the educational setting. Such adults shall not engage in unlawful or inappropriate interactions with students and shall avoid boundary-blurring behaviors that undermine trust in the adult-student relationship and lead to the appearance of impropriety.

Employees are prohibited from entering into or attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature.

Adults shall not intrude on a student's physical or emotional boundaries unless necessary in an emergency or to serve a legitimate purpose related to instruction, counseling, student health, or student or staff safety.

Any employee who observes or has knowledge of another employee's violation of this policy shall report the information to the Superintendent or designee or appropriate agency for investigation pursuant to the applicable complaint procedures. Other adults with knowledge of any violation of this policy are encouraged to report the violation to the Superintendent or designee. The Superintendent or designee shall

protect anyone who reports a violation from retaliation. Immediate intervention shall be implemented when necessary to protect student safety or the integrity of the investigation.

Employees who engage in any conduct in violation of this policy, including retaliation against a person who reports the violation or participates in the complaint process, shall be subject to discipline, up to and including dismissal. Any other adult who violates this policy may be barred from school grounds and activities in accordance with law. The Superintendent or designee may also notify law enforcement as appropriate.

The district's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or district web sites. *(Education Code 44050)*

Inappropriate Conduct

Employees shall remain vigilant of their position of authority and not abuse it when relating with students. Examples of employee conduct that can undermine professional adult-student interactions or create the appearance of impropriety. Adult behaviors, sometimes referred to as "grooming," may include but are not limited to:

1. Initiating inappropriate physical contact

2. Being alone with a student outside of the view of others

3. Visiting a student's home or inviting a student to visit the employee's home without parent/guardian consent

4. Maintaining personal contact with a student that has no legitimate educational purpose, by phone, letter, electronic communications, or other means, without including the student's parent/guardian or the principal

   When communicating electronically with students, employees shall use district equipment or technological resources when available. Employees shall not communicate with students through any medium that is designed to eliminate records of the communications. The Superintendent or designee may monitor employee usage of district technology at any time without advance notice or consent

5. Creating or participating in social networking sites for communication with students, other than those created by the district, without the prior written approval of the principal or designee

6. Inviting or accepting requests from students, or former students who are minors, to connect on personal social networking sites (e.g., "friending" or "following" on social media), unless the site is dedicated to school business

7. Singling out a particular student for personal attention and friendship, including giving or receiving gifts and/or nicknames to individual students

8. Socializing or spending time with students outside of school-sponsored events, except as participants in community activities

9. Sending or accompanying students on personal errands unrelated to any legitimate educational

purpose

10. Transporting a student in a personal vehicle without prior authorization

11. Encouraging students to confide their personal or family problems and/or relationships

12. Disclosing personal, family, or other private matters to students or sharing personal secrets with students

Policy adopted: October 1, 2019

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Professional Standards BP 4219.21

The Governing Board expects district employees to maintain the highest ethical standards, exhibit professional behavior, follow district policies and regulations, abide by state and federal laws, and exercise good judgment when interacting with students and other members of the school community. Employee conduct should enhance the integrity of the district, advance the goals of the district's educational programs, and contribute to a positive school climate.

The Board encourages district employees to accept as guiding principles the professional standards and codes of ethics adopted by educational or professional associations to which they may belong.

Each employee should make a commitment to acquire the knowledge and skills necessary to fulfill his/her responsibilities and should focus on his/her contribution to the learning and achievement of district students.

Inappropriate employee conduct includes, but is not limited to:

1. Engaging in any conduct that endangers students, staff, or others, including, but not limited to, physical violence, threats of violence, or possession of a firearm or other weapon

2. Engaging in harassing or discriminatory behavior towards students, parents/guardians, staff, or community members, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed

3. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child

4. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student

5. Possessing or viewing any pornography on school grounds, or possessing or viewing child pornography or other imagery portraying children in a sexualized manner at any time

6. Using profane, obscene, or abusive language against students, parents/guardians, staff, or community members

7. Willfully disrupting district or school operations by loud or unreasonable noise or other action

8. Using tobacco, alcohol, or an illegal or unauthorized substance, or possessing or distributing any controlled substance, while in the workplace or at a school-sponsored activity

9. Dishonesty with students, parents/guardians, staff, or members of the public, including, but not limited to, falsification of information in employment records or other school records

10. Divulging confidential information about students, district employees, or district operations to persons not authorized to receive the information

11. Using district equipment or other district resources for the employee's own commercial purposes or for political activities

12. Using district equipment or communications devices for personal purposes while on duty, except in an emergency, during scheduled work breaks, or for personal necessity

    Employees shall be notified that computer files and all electronic communications, including, but not limited to, email and voice mail, are not private. To ensure proper use, the Superintendent or designee may monitor employee usage of district technological resources at any time without the employee's consent.

13. Causing damage to or engaging in theft of property belonging to students, staff, or the district

14. Wearing inappropriate attire

An employee who observes or has evidence of another employee's inappropriate conduct shall immediately report such conduct to the principal or Superintendent or designee. An employee who has knowledge of or suspects child abuse or neglect shall file a report pursuant to the district's child abuse reporting procedures as detailed in AR 5141.4 - Child Abuse Prevention and Reporting.

Any reports of employee misconduct shall be promptly investigated. Any employee who is found to have engaged in inappropriate conduct in violation of law or Board policy shall be subject to disciplinary action and, in the case of a certificated employee, may be subject to a report to the Commission on Teacher Credentialing. The Superintendent or designee shall notify local law enforcement as appropriate.

An employee who has knowledge of but fails to report inappropriate employee conduct may also be subject to discipline.

The district prohibits retaliation against anyone who files a complaint against an employee or reports an employee's inappropriate conduct. Any employee who retaliates against any such complainant, reporter, or other participant in the district's complaint process shall be subject to discipline.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: November 13, 2012 Morgan Hill, California

Maintaining Appropriate Adult-Student Interaction BP 4219.24

The Governing Board desires to provide a positive school environment that protects the safety and

well-being of district students. The Board expects all adults with whom students may interact at school or in school-related activities, including employees, independent contractors, and volunteers, to maintain the highest professional and ethical standards in their interactions with students both within and outside the educational setting. Such adults shall not engage in unlawful or inappropriate interactions with students and shall avoid boundary-blurring behaviors that undermine trust in the adult-student relationship and lead to the appearance of impropriety.

Employees are prohibited from entering into or attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature.

Adults shall not intrude on a student's physical or emotional boundaries unless necessary in an emergency or to serve a legitimate purpose related to instruction, counseling, student health, or student or staff safety.

Any employee who observes or has knowledge of another employee's violation of this policy shall report the information to the Superintendent or designee or appropriate agency for investigation pursuant to the applicable complaint procedures. Other adults with knowledge of any violation of this policy are encouraged to report the violation to the Superintendent or designee. The Superintendent or designee shall protect anyone who reports a violation from retaliation. Immediate intervention shall be implemented when necessary to protect student safety or the integrity of the investigation.

Employees who engage in any conduct in violation of this policy, including retaliation against a person who reports the violation or participates in the complaint process, shall be subject to discipline, up to and including dismissal. Any other adult who violates this policy may be barred from school grounds and activities in accordance with law. The Superintendent or designee may also notify law enforcement as appropriate.

The district's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or district web sites. *(Education Code 44050)*

Inappropriate Conduct

Employees shall remain vigilant of their position of authority and not abuse it when relating with students. Examples of employee conduct that can undermine professional adult-student interactions or create the appearance of impropriety. Adult behaviors, sometimes referred to as "grooming," may include but are not limited to:

1. Initiating inappropriate physical contact
2. Being alone with a student outside of the view of others
3. Visiting a student's home or inviting a student to visit the employee's home without parent/guardian consent
4. Maintaining personal contact with a student that has no legitimate educational purpose, by phone, letter, electronic communications, or other means, without including the student's parent/guardian or the principal

When communicating electronically with students, employees shall use district equipment or technological resources when available. Employees shall not communicate with students through any medium that is designed to eliminate records of the communications. The Superintendent or designee may monitor employee usage of district technology at any time without advance notice or consent

5. Creating or participating in social networking sites for communication with students, other than those created by the district, without the prior written approval of the principal or designee
6. Inviting or accepting requests from students, or former students who are minors, to connect on personal social networking sites (e.g., "friending" or "following" on social media), unless the site is dedicated to school business
7. Singling out a particular student for personal attention and friendship, including giving or receiving gifts and/or nicknames to individual students
8. Socializing or spending time with students outside of school-sponsored events, except as participants in community activities
9. Sending or accompanying students on personal errands unrelated to any legitimate educational purpose
10. Transporting a student in a personal vehicle without prior authorization
11. Encouraging students to confide their personal or family problems and/or relationships
12. Disclosing personal, family, or other private matters to students or sharing personal secrets with students

Policy adopted: October 1, 2019

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Professional Standards BP 4319.21

The Governing Board expects district employees to maintain the highest ethical standards, exhibit professional behavior, follow district policies and regulations, abide by state and federal laws, and exercise good judgment when interacting with students and other members of the school community. Employee conduct should enhance the integrity of the district, advance the goals of the district's educational programs, and contribute to a positive school climate.

The Board encourages district employees to accept as guiding principles the professional standards and codes of ethics adopted by educational or professional associations to which they may belong.

Each employee should make a commitment to acquire the knowledge and skills necessary to fulfill his/her responsibilities and should focus on his/her contribution to the learning and achievement of district students.

Inappropriate employee conduct includes, but is not limited to:

1. Engaging in any conduct that endangers students, staff, or others, including, but not limited to,

physical violence, threats of violence, or possession of a firearm or other weapon

2. Engaging in harassing or discriminatory behavior towards students, parents/guardians, staff, or community members, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed

3. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child

4. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student

5. Possessing or viewing any pornography on school grounds, or possessing or viewing child pornography or other imagery portraying children in a sexualized manner at any time

6. Using profane, obscene, or abusive language against students, parents/guardians, staff, or community members

7. Willfully disrupting district or school operations by loud or unreasonable noise or other action

8. Using tobacco, alcohol, or an illegal or unauthorized substance, or possessing or distributing any controlled substance, while in the workplace or at a school-sponsored activity

9. Dishonesty with students, parents/guardians, staff, or members of the public, including, but not limited to, falsification of information in employment records or other school records

10. Divulging confidential information about students, district employees, or district operations to persons not authorized to receive the information

11. Using district equipment or other district resources for the employee's own commercial purposes or for political activities

12. Using district equipment or communications devices for personal purposes while on duty, except in an emergency, during scheduled work breaks, or for personal necessity

    Employees shall be notified that computer files and all electronic communications, including, but not limited to, email and voice mail, are not private. To ensure proper use, the Superintendent or designee may monitor employee usage of district technological resources at any time without the employee's consent.

13. Causing damage to or engaging in theft of property belonging to students, staff, or the district

14. Wearing inappropriate attire

An employee who observes or has evidence of another employee's inappropriate conduct shall immediately report such conduct to the principal or Superintendent or designee. An employee who has knowledge of or suspects child abuse or neglect shall file a report pursuant to the district's child abuse reporting procedures as detailed in AR 5141.4 - Child Abuse Prevention and Reporting.

Any reports of employee misconduct shall be promptly investigated. Any employee who is found to have engaged in inappropriate conduct in violation of law or Board policy shall be subject to disciplinary action and, in the case of a certificated employee, may be subject to a report to the Commission on Teacher Credentialing. The Superintendent or designee shall notify local law enforcement as appropriate.

An employee who has knowledge of but fails to report inappropriate employee conduct may also be subject to discipline.

The district prohibits retaliation against anyone who files a complaint against an employee or reports an employee's inappropriate conduct. Any employee who retaliates against any such complainant, reporter, or other participant in the district's complaint process shall be subject to discipline.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: November 13, 2012 Morgan Hill, California

Maintaining Appropriate Adult-Student Interaction BP 4319.24

The Governing Board desires to provide a positive school environment that protects the safety and well-being of district students. The Board expects all adults with whom students may interact at school or in school-related activities, including employees, independent contractors, and volunteers, to maintain the highest professional and ethical standards in their interactions with students both within and outside the educational setting. Such adults shall not engage in unlawful or inappropriate interactions with students and shall avoid boundary-blurring behaviors that undermine trust in the adult-student relationship and lead to the appearance of impropriety.

Employees are prohibited from entering into or attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature.

Adults shall not intrude on a student's physical or emotional boundaries unless necessary in an emergency or to serve a legitimate purpose related to instruction, counseling, student health, or student or staff safety.

Any employee who observes or has knowledge of another employee's violation of this policy shall report the information to the Superintendent or designee or appropriate agency for investigation pursuant to the applicable complaint procedures. Other adults with knowledge of any violation of this policy are encouraged to report the violation to the Superintendent or designee. The Superintendent or designee shall protect anyone who reports a violation from retaliation. Immediate intervention shall be implemented when necessary to protect student safety or the integrity of the investigation.

Employees who engage in any conduct in violation of this policy, including retaliation against a person who reports the violation or participates in the complaint process, shall be subject to discipline, up to and including dismissal. Any other adult who violates this policy may be barred from school grounds and activities in accordance with law. The Superintendent or designee may also notify law enforcement as appropriate.

The district's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or district web

sites. *(Education Code 44050)*

Inappropriate Conduct

Employees shall remain vigilant of their position of authority and not abuse it when relating with students. Examples of employee conduct that can undermine professional adult-student interactions or create the appearance of impropriety. Adult behaviors, sometimes referred to as "grooming," may include but are not limited to:

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4. Maintaining personal contact with a student that has no legitimate educational purpose, by phone, letter, electronic communications, or other means, without including the student's parent/guardian or the principal

   When communicating electronically with students, employees shall use district equipment or technological resources when available. Employees shall not communicate with students through any medium that is designed to eliminate records of the communications. The Superintendent or designee may monitor employee usage of district technology at any time without advance notice or consent

5. Creating or participating in social networking sites for communication with students, other than those created by the district, without the prior written approval of the principal or designee
6. Inviting or accepting requests from students, or former students who are minors, to connect on personal social networking sites (e.g., "friending" or "following" on social media), unless the site is dedicated to school business
7. Singling out a particular student for personal attention and friendship, including giving or receiving gifts and/or nicknames to individual students
8. Socializing or spending time with students outside of school-sponsored events, except as participants in community activities
9. Sending or accompanying students on personal errands unrelated to any legitimate educational purpose
10. Transporting a student in a personal vehicle without prior authorization
11. Encouraging students to confide their personal or family problems and/or relationships
12. Disclosing personal, family, or other private matters to students or sharing personal secrets with students

Professional Standards BP 4119.21

The Governing Board desires to provide a safe and positive school environment that promotes the learning, engagement, safety, and well-being of district students. The Board expects district employees to maintain the highest ethical standards, behave professionally, follow district policies and regulations, abide by state and federal laws, and exercise good judgment when interacting with students and other members of the school community. Employees shall engage in conduct that enhances the integrity of the district; advances the goals of the district's educational programs; encourages student learning, engagement, and success; and contributes to a safe and positive school climate.

The Board encourages district employees to accept as guiding principles the professional standards and codes of ethics adopted by educational or professional associations to which they may belong.

Each employee is expected to acquire the knowledge and skills necessary to fulfill the employee's professional responsibilities and to contribute to the learning and achievement of district students.

Inappropriate Conduct

The Board prohibits inappropriate conduct between employees, adult volunteers, and district contractors and among and between adults employed, volunteering, or under contract with the district. (Education Code 32100)

Inappropriate employee conduct includes, but is not limited to:

1. Engaging in any conduct that endangers or threatens to endanger students, staff, or others, including, but not limited to, physical violence, threats of violence, or possession of a firearm or other weapon

2. Engaging in harassing or discriminatory behavior towards students, parents/guardians, staff, or community members, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed

3. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child

4. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student

5. Possessing or viewing any pornography on school grounds, or possessing or viewing child pornography or other imagery portraying children in a sexualized manner at any time

6. Using profane, obscene, or abusive language against students, parents/guardians, staff, or community members

7. Willfully disrupting district or school operations by loud or unreasonable noise or other action

8. Using tobacco, alcohol, or an illegal or unauthorized substance, or possessing or distributing any controlled substance, while in the workplace, on district property, or at a school-sponsored

activity

9. Being dishonest with students, parents/guardians, staff, or members of the public, including, but not limited to, falsifying information in employment records or other school records

10. Divulging confidential information about students, district employees, or district operations to persons or entities not authorized to receive the information

11. Using district equipment or other district resources for the employee's own commercial purposes or for political activities

12. Using district equipment or communications devices for personal purposes while on duty, except in an emergency, during scheduled work breaks, or for personal necessity

    Employees shall be notified that computer files and all electronic communications, including, but not limited to, email and voice mail, are not private. To ensure proper use, the Superintendent or designee may monitor employee usage of district technological resources at any time without the employee's consent.

13. Causing damage to or engaging in theft of property belonging to students, staff, or the district

14. Wearing inappropriate attire

15. Other conduct prohibited in Board Policy 4119.24/4219.24/4319.24 - Maintaining Appropriate Adult-Student Interactions

Reports of Misconduct

An employee who observes or has evidence of another employee's inappropriate conduct shall immediately report such conduct to the principal or Superintendent or designee. An employee who has knowledge of or suspects child abuse or neglect shall file a report pursuant to the district's child abuse reporting procedures as detailed in Administrative Regulation 5141.4 - Child Abuse Prevention and Reporting.

Any reports of employee misconduct shall be promptly investigated by the Superintendent or designee. Any employee who is found to have engaged in inappropriate conduct in violation of law or Board policy shall be subject to disciplinary action and, in the case of a certificated employee, may be subject to a report to the Commission on Teacher Credentialing. The Superintendent or designee shall notify local law enforcement as appropriate.

An employee who has knowledge of but fails to report inappropriate employee conduct may also be subject to discipline.

The district prohibits retaliation against anyone who files a complaint against an employee or reports an employee's inappropriate conduct. Any employee who retaliates against any such complainant, reporter, or other participant in the district's complaint process shall be subject to discipline.

Notifications

The section(s) of the district's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or

district websites. (Education Code 44050)

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: May 28, 2026 Morgan Hill, California

SCHOOL RULES AND BEHAVIOR STANDARDS

The following Rules and Behavior standards apply to all school campuses:

I. General Behavior Standards

- Students may not interfere with a teacher's responsibility to teach and a student's right to learn.
- Failure of students to report safety issues shall be considered as defiance. Willful defiance of school authority and disruptive behavior will not be tolerated.
- Students are to work, play and conduct themselves on the school grounds and in the classrooms in a harmonious manner with other students. Fighting, pushing, "horseplay", biting, shoving, kicking, or throwing of objects, at any time are considered poor behavior and will not be tolerated.
- Students must treat other students with courtesy and respect. Name-calling and slurs (i.e., racial, ethnic, or personally demeaning comments) will not be tolerated.
- It is the student's responsibility to arrive to class on time, to be in the appropriate attire for the class or activity, to have appropriate books and/or materials, and to be ready to work.
- Students are allowed in the building only under appropriate adult supervision. There is to be no loitering or loud noises in the halls, corridors, courtyards, or cafeterias. Students are only allowed in designated areas.
- Food items may be consumed only at brunch or lunch, in designated areas. Eating food or drinking beverages is not allowed in the classrooms or buildings.
- Students should observe traffic laws to and from school and at bus stops. Students should cross streets at marked crosswalks, remain in designated bus stop areas and respect the property of others. If the school allows students to ride bikes to school, students must walk their bikes while on campus.
- Students should wait to be picked up in designated areas and not cross in front of or between school buses or waiting vehicles.

II. School and Personal Property

- Students must treat school properly and the personal property of others with respect. Students/parents will be held responsible for any necessary financial reimbursement.
- Students are responsible for all textbooks and materials assigned to them. Lost, damaged, or stolen items must be paid for, and students/parents will be billed for the replacement cost.
- Personal belongings not related to classroom activities (e.g., radios, tape players, cameras, toys, pets, etc.) may not be brought to school unless specific permission from a staff member has been given.
- Clothing, accessories, insignia (such as bandanas/handkerchiefs, earrings, hair designs), or actions which indicate gang affiliation, create a safety hazard, or disrupt school activities will not be

tolerated. Such actions or the wearing and/or possession of these items may be cause for suspension.

- Hats, T-shirts, belt buckles, or other insignia items which advertise or promote tobacco, alcohol or drug use, which include profanity, or which promote any other inappropriate behavior are prohibited.
- The sale of any items on campus is prohibited without the specific approval of the school administration.

III. Prohibited Items

- Possession or use of a firearm on the school grounds, or on the way to and from school, is prohibited and will result in expulsion.
- Possession or use of knives or weapons of any kind on the school grounds, or on the way to and from school, is prohibited and is cause for suspension or expulsion.
- Possession or use of firecrackers, caps, matches, or other types of explosive material is not permitted on the school grounds and is cause for suspension or expulsion.
- Dangerous, potentially harmful, or disruptive objects (e.g., skateboards, pocket knives) are not permitted. This rule also applies to objects, which mimic dangerous items (e.g., switchblade combs, toy syringes, etc.).
- Possession, use, sale, buying or arranging to buy or sell drugs, alcohol, and other controlled substances (or items represented to be a controlled substance) is prohibited and will result in suspension or expulsion.
- Possession, use, sale, buying or arranging to buy or sell tobacco is prohibited and is cause for suspension.
- State law prohibits students from bringing any electronic signaling devices (beepers) on to the school campus. If brought to school, these devices will be confiscated.

IV. Prohibited Activities

- The school is a closed campus. Once students arrive at school they may not leave until they have been officially dismissed or they have received specific permission.
- Students are allowed in the building only under appropriate adult supervision. There is to be no loitering or loud noises in the halls, courtyard area and cafeteria. Students are only allowed in designated areas.
- Any actions or words, which may be defined or interpreted as sexual harassment will not be tolerated.
- Profane, vulgar or obscene language or action will not be tolerated.
- Gambling of any sort will not be tolerated and may result in suspension.
- Extortion, arson and theft will not be tolerated and may result in suspension and/or expulsion.
- Cyber bullying/cyber harassment shall be subject to discipline by school authorities.

DISCIPLINE BP 5144

The Governing Board is committed to providing a safe, supportive, and positive school environment conducive to student learning and achievement. The Governing Board desires to prepare students for responsible citizenship by fostering self- discipline and personal responsibility. The Board believes that

high expectations for student behavior, use of effective school and classroom management strategies, provision of appropriate intervention and support, and parent/guardian involvement can minimize the need for disciplinary measures that exclude students from instruction as a means for correcting student misbehavior.

The Superintendent or designee shall develop effective, age- appropriate strategies for maintaining a positive school climate and correcting student misbehavior at district schools. The Multi-Tiered Systems of Support (MTSS) and other research proven practices shall be used to implement our focus on providing students with needed supports; communicating clear, appropriate, and consistent expectations and consequences for student conduct; and ensuring equity and continuous improvement in the implementation of district discipline policies and practices.

In addition, the Superintendent or designee's strategies for correcting student misconduct shall reflect the Board's preference for the use of positive interventions and alternative disciplinary measures over exclusionary discipline measures.

Disciplinary measures that may result in loss of instructional time or cause students to be disengaged from school, such as detention, suspension, and expulsion, shall be imposed only when required or permitted by law or when other means of correction have been documented to have failed. *(Education Code 48900.5)*

School personnel and volunteers shall not allow any disciplinary action taken against a student to result in the denial or delay of a school meal. *(Education Code 49557.5)*

Seclusion and behavioral restraint are prohibited as a means of discipline and shall not be used to correct student behavior except as permitted pursuant to *Education Code 49005.4* and in accordance with district regulations. *(Education Code 49005.2)*

Staff shall enforce disciplinary rules fairly, consistently, and in accordance with the district's nondiscrimination policies.

The Superintendent or designee shall provide professional development as necessary to assist staff in developing the skills needed to effectively and equitably implement the disciplinary strategies adopted for district schools, including, but not limited to, knowledge of school and classroom management skills and their consistent application, effective accountability and positive intervention techniques, and the tools to form strong, cooperative relationships with parents/guardians.

District goals for improving school climate, based on suspension and expulsion rates, surveys of students, staff, and parents/guardians regarding their sense of school safety and connectedness to the school community, and other local measures, shall be included in the district's local control and accountability plan, as required by law.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: March 19, 2019 Morgan Hill, California

Open/Closed Campus BP 5112.5

Closed Campus

In order to keep students in a supervised, safe, and orderly environment, the Governing Board establishes a closed campus at all district schools.

Students shall not leave school grounds at any time during the school day without expressed permission of school authorities. Students who leave school without authorization shall be considered to have an unexcused absence and be subject to disciplinary action.

Student handbooks shall fully explain all rules and disciplinary procedures involved in the maintenance of the closed campus.

Policy adopted: October 1, 2019

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

DISCIPLINE AR 5144

Site-Level Rules

Site-level rules shall be consistent with state law and Board policies and administrative regulations. In developing site-level disciplinary rules, the principal or designee shall solicit the participation, views, and advice of one representative selected by each of the following groups: *(Education Code 35291.5)*

1. Parents/guardians
2. Teachers
3. School administrators
4. School security personnel, if any
5. For junior high and high schools, students enrolled in the school

Annually, site-level discipline rules shall be reviewed and, if necessary, updated to align with any changes in state law, district discipline policies and regulations, and/or goals for school safety and climate as specified in the district's local control and accountability plan. A copy of the rules shall be filed with the Superintendent or designee for inclusion in the comprehensive safety plan.

School rules shall be communicated to students clearly and in an age-appropriate manner.

It shall be the duty of each employee of the school to enforce the school rules on student discipline. *(Education Code 35291.5)*

Disciplinary Strategies

To the extent possible, staff shall use disciplinary strategies that keep students in school and participating in the instructional program. Except when students' presence causes a danger to themselves or others or they commit a single act of a grave nature or an offense for which suspension or expulsion is required by law, suspension or expulsion shall be used only when other means of correction have failed to bring about proper conduct. Disciplinary strategies may include, but are not limited to:

1. Discussion or conference between school staff and the student and parents/guardians

2. Referral of the student to the school counselor or other school support service personnel for case management and counseling
3. Convening of a study team, guidance team, resource panel, or other intervention-related team to assess the behavior and develop and implement an individual plan to address the behavior in partnership with the student and parents/guardians
4. Enrollment in a program for teaching prosocial behavior or anger management
5. Participation in a restorative justice program
6. A positive behavior support approach with tiered interventions that occur during the school day on campus
7. Participation in a social and emotional learning program that teaches students the ability to understand and manage emotions, develop caring and concern for others, make responsible decisions, establish positive relationships, and handle challenging situations capably
8. Participation in a program that is sensitive to the traumas experienced by students, focuses on students' behavioral health needs, and addresses those needs in a proactive manner
9. After-school programs that address specific behavioral issues or expose students to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups
10. Recess restriction as provided in the section below entitled "Recess Restriction"
11. Detention after school hours as provided in the section below entitled "Detention After School"
12. Community service as provided in the section below entitled "Community Service"
13. In accordance with Board policy and administrative regulation, restriction or disqualification from participation in extracurricular activities
14. Reassignment to an alternative educational environment
15. Suspension and expulsion in accordance with law, Board policy, and administrative regulation

When, by law or district policy, other means of correction are required to be implemented before a student could be suspended or expelled, any other means of correction implemented shall be documented and retained in the student's records. *(Education Code 48900.5)*

Recess Restriction

Teachers may restrict a student's recess time only when they believe that this action is the most effective way to bring about improved behavior. When recess restriction involves the withholding of physical activity from a student, teachers shall try other disciplinary measures before imposing the restriction. Recess restriction shall be subject to the following conditions:

1. The student shall be given adequate time to use the restroom and get a drink or eat lunch, as appropriate.
2. The student shall remain under a certificated or classified employee's supervision during the

period of restriction.

3. The student's teacher shall inform the principal of any recess restrictions imposed.

Detention After School

Students may be detained for disciplinary reasons for up to one hour after the close of the maximum school day, or until the departure of the school bus to which they have been assigned if applicable. (5 CCR 307, 353)

The student shall not be detained unless the principal or designee notifies the parent/guardian.

Students shall remain under the supervision of a certificated or classified employee during the period of detention.

Community Service

As part of or instead of disciplinary action, the Board, Superintendent, principal, or principal's designee may require a student to perform community service during non-school hours on school grounds or, with written permission of the student's parent/guardian, off school grounds. Such service may include, but is not limited to, community or school outdoor beautification, community or campus betterment, and teacher, peer, or youth assistance programs. *(Education Code 48900.6)*

This community service option is not available for a student who has been suspended, pending expulsion, pursuant to *Education Code 48915.* However, if the recommended expulsion is not implemented or the expulsion itself is suspended, then the student may be required to perform community service for the resulting suspension. *(Education Code 48900.6)*

Notice to Parents/Guardians and Students

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians, in writing, about the availability of district rules related to discipline. *(Education Code 35291, 48980)*

The Superintendent or designee shall also provide written notice of disciplinary rules to transfer students at the time of their enrollment in the district.

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
approved: March 29, 2019 Morgan Hill, California

Students BP 5144.1

SUSPENSION AND EXPULSION/DUE PROCESS

The Governing Board desires to provide district students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for

addressing violations of those standards, including suspension and/or expulsion.

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be only those specified in law, in this policy, and in the accompanying administrative regulation.

Except when otherwise permitted by law, a student may be suspended or expelled only when his/her behavior is related to a school activity or school attendance occurring within any district school or another school district, regardless of when it occurs, including, but not limited to, the following: *(Education Code 48900(s))*

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus
4. During, going to, or coming from a school-sponsored activity

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the district's nondiscrimination policies.

Appropriate Use of Suspension Authority

Except when a student's act violates *Education Code 48900(a)-(e),* as listed in items #1-5 under "Grounds for Suspension and Expulsion: Grades K-12" of the accompanying administrative regulation, or when his/her presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct. *(Education Code 48900.5, 48900.6)*

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to classroom or school removal. Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities.

District staff shall not suspend any student for disruption or willful defiance, unless the suspension is warranted by documented repetitive behavior of the student or the disruption or willful defiance occurred in conjunction with another violation for which the student may be suspended.

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in *Education Code 48900 and 48900.2,* but who pose no imminent danger or threat to anyone at school and for whom expulsion proceedings have not been initiated, the Superintendent or designee shall establish a supervised suspension classroom program which meets the requirements of law.

Except where a supervised suspension is permitted by law for a student's first offense, supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct. *(Education Code 48900.5)*

Authority to Expel

A student may be expelled only by the Board. *(Education Code 48918(j))*

As required by law, the Superintendent or principal shall recommend expulsion and the Board shall expel

any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or at a school activity off school grounds: *(Education Code 48915)*

1. Possessing a firearm which is not an imitation firearm, as verified by a certificated employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Selling or otherwise furnishing a firearm
3. Brandishing a knife at another person
4. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
5. Committing or attempting to commit a sexual assault as defined in Penal *Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4*
6. Possessing an explosive as defined in *18 USC 921*

For all other violations listed in the accompanying administrative regulation under "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12," the Superintendent or principal shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the Board shall order the student expelled only if it makes a finding of either or both of the following: *(Education Code 48915(b) and (e))*

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

A vote to expel a student shall be taken in an open session of a Board meeting.

The Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation. *(Education Code 48917)*

Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and/or expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. *(Education Code 48911, 48915, 48915.5, 48918)*

Maintenance and Monitoring of Outcome Data

The Superintendent or designee shall maintain outcome data related to student suspensions and expulsions in accordance with *Education Code 48900.8 and 48916.1,* including, but not limited to, the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period. For any expulsion that involves the possession of a firearm, such data shall include the name of the school and the type of firearm involved, as required pursuant to 20 USC 7961. Suspension and expulsion data shall be reported to the Board annually and to the California Department of Education when so required.

The report to the Board, the Superintendent or designee shall disaggregate data on suspensions and expulsions by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. Based on the data, the Board shall address any identified disparities in the imposition of student discipline and shall determine whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: November 5, 2019 Morgan Hill, California

SUSPENSION AND EXPULSION/DUE PROCESS AR 5144.1

Definitions

Suspension means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: *(Education Code 48925)*

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level
2. Referral to a certificated employee designated by the principal to advise students
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in *Education Code 48910*

Expulsion means removal of a student from the immediate supervision and control or the general supervision of school personnel. (*Education Code 48925)*

Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, including suspension and expulsion. *(Education Code 35291, 48900.1, 48980)*

Grounds for Suspension and Expulsion: Grades K-12

Acts for which a student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows:

1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury *(Education Code 48900(a) and (t))*

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the student had obtained written

permission to possess the item from a certificated school employee, with the principal or designee's concurrence (*Education Code 48900(b))*

3. Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind *(Education Code 48900(c))*

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as such controlled substance, alcoholic beverage, or intoxicant (*Education Code 48900(d))*

5. Committed or attempted to commit robbery or extortion *(Education Code 48900(e))*

6. Caused or attempted to cause damage to school property or private property *(Education Code 48900(f))*

7. Stole or attempted to steal school property or private property *(Education Code 48900(g))*

8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing his/her own prescription products *(Education Code 48900(h))*

9. Committed an obscene act or engaged in habitual profanity or vulgarity *(Education Code 48900(i))*

10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in *Health and Safety Code 11014.5 (Education Code 48900(j))*

11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties *(Education Code 48900(k)) Pursuant to Education Code 48900(k),* except as otherwise provided in *Education Code 48910*, students in grades K-3 must not be suspended for disruption of school activities or willful defiance of school authority, and students in grades K-12 must not be expelled on these grounds.

12. Knowingly received stolen school property or private property *(Education Code 48900(l))*

13. Possessed an imitation firearm (*Education Code 48900(m))*

    Imitation firearm means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. *(Education Code 48900(m))*

14. Committed or attempted to commit a sexual assault as defined in Penal *Code 261, 266c, 286, 288, 288a, or 289,* or committed a sexual battery as defined in Penal *Code 243.4 (Education Code*

48900(n))

15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness *(Education Code 48900(o))*

16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma *(Education Code 48900(p))*

17. Engaged in, or attempted to engage in, hazing (*Education Code 48900(q))*

    Hazing means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school-sanctioned events. *(Education Code 48900(q))*

18. Engaged in an act of bullying *(Education Code 48900(r))*

    Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student in fear of harm to himself/herself or his/her property; cause the student to experience a substantially detrimental effect on his/her physical or mental health; or cause the student to experience substantial interferences with his/her academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school. *(Education Code 48900(r))*

    Bullying includes any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in *Education Code 48900.2, 48900.3, or 48900.4* and below in items #1-3 of "Additional Grounds for Suspension and Expulsion: Grades 4-12," that has any of the effects described above on a reasonable student.

    Bullying also includes an act of cyber sexual bullying by a student through the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording that depicts a nude, semi-nude, or sexually explicit photograph or other visual recording of an identifiable minor, when such dissemination is to another student or to school personnel by means of an electronic act and has or can be reasonably predicted to have one or more of the effects of bullying described above. Cyber sexual bullying does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

    Electronic act means the creation or transmission originated on or off the school site by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication including, but not limited to: *(Education Code 48900(r))*

    a. A message, text, sound, video, or image

    b. A post on a social network Internet web site, including, but not limited to, posting to or

creating a burn page or creating a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.

Reasonable student means a student, including, but not limited to, a student who has been identified as a student with a disability, who exercises average care, skill, and judgment in conduct for a person of his/her age, or for a person of his/her age with his/her disability. *(Education Code 48900(r))*

19. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in *Penal Code 31 (Education Code 48900(t))*

20. Made terrorist threats against school officials and/or school property *(Education Code 48900.7)*

A terrorist threat includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person or property damage in excess of $1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. *(Education Code 48900.7)*

Additional Grounds for Suspension and Expulsion: Grades 4-12

Any student in grades 4-12 may be suspended, but not expelled, for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. *(Education Code 48900(k))*

A student in grades 4-12 shall be subject to suspension or recommendation for expulsion when it is determined that he/she:

1. Committed sexual harassment as defined in *Education Code 212.5 (Education Code 48900.2)*

Sexual harassment means conduct which, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. *(Education Code 212.5, 48900.2)*

2. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in *Education Code 233 (Education Code 48900.3)*

Hate violence means any act punishable under *Penal Code 422.6, 422.7, or 422.75.* Such acts include injuring or intimidating a victim, interfering with the exercise of a victim's civil rights, or damaging a victim's property because of the victim's race, ethnicity, religion, nationality, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics. *(Education Code 233; Penal Code 422.55)*

3. Intentionally engaged in harassment, threats, or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment *(Education Code 48900.4)*

Suspension from Class by a Teacher

A teacher may suspend a student, including a grade K-3 student, from class for the remainder of the day and the following day for disruption, willful defiance, or any of the other acts specified i*n Education Code 48900* and listed as items #1-18 under "Grounds for Suspension and Expulsion: Grades K-12" above. *(Education Code 48910)*

When suspending a student from class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. If that action requires the continuing presence of the student at school, he/she shall be appropriately supervised during the class periods from which he/she has been suspended. *(Education Code 48910)*

As soon as possible after the teacher decides to suspend the student, he/she shall ask the student's parent/guardian to attend a parent-teacher conference regarding the suspension. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests. *(Education Code 48910)*

A student suspended from class shall not be returned to class during the period of the suspension without the approval of the teacher of the class and the principal or designee. *(Education Code 48910)*

A student suspended from class shall not be placed in another regular class during the period of suspension. However, a student assigned to more than one class per day may continue to attend other regular classes except those held at the same time as the class from which he/she was suspended. *(Education Code 48910)*

The teacher of any class from which a student is suspended may require the student to complete any assignments and tests missed during the removal. (*Education Code 48913)*

Suspension by Superintendent, Principal or Principal's Designee

To implement disciplinary procedures at a school site, the principal may, in writing, designate as the principal's designee another administrator or, if the principal is the only administrator at the school site, a certificated employee. As necessary, the principal may, in writing, also designate another administrator or certificated employee as the secondary designee to assist with disciplinary procedures when the principal and the principal's primary designee are absent from the school site.

The Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity to have committed any of the acts listed in the Board policy under "Authority to Expel" and for which he/she is required to recommend expulsion. *(Education Code 48915(c))*

The Superintendent, principal, or designee may impose a suspension for a first offense if he/she determines that the student violated any of items #1-5 listed under "Grounds for Suspension and Expulsion: Grades K-12" above or if the student's presence causes a danger to persons. *(Education Code 48900.5)*

For all other offenses, a student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct. *(Education Code 48900.5)*

When other means of correction are implemented prior to imposing suspension or supervised suspension upon a student, the Superintendent, principal, or designee shall document the other means of correction used and retain the documentation in the student's record. *(Education Code 48900.5)*

Length of Suspension

The Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days. *(Education Code 48911)*

A student may be suspended from school for not more than 20 school days in any school year. However, if a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class for the purpose of adjustment, he/she may be suspended for not more than 30 school days in a school year. The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. *(Education Code 48903, 48911, 48912)*

These restrictions on the number of days of suspension shall not apply when the suspension is extended pending an expulsion. *(Education Code 48911)*

Due Process Procedures for Suspension

Suspensions shall be imposed in accordance with the following procedures:

1. Informal Conference: Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action, including the other means of correction that were attempted before the suspension as required pursuant to *Education Code 48900.5*, and the evidence against him/her, and shall be given the opportunity to present his/her version and evidence in support of his/her defense. *(Education Code 48911)*

   This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists involving a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of the conference and the conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such a case, the conference shall be held as soon as the student is physically able to return to school. *(Education Code 48911)*

2. Administrative Actions: All requests for student suspension are to be processed by the principal or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. *(Education Code 48911)*
3. Notice to Parents/Guardians: At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall also be notified in writing of the suspension. *(Education Code 48911)*

   This notice shall state the specific offense committed by the student. *(Education Code 48900.8)*

   In addition, the notice may state the date and time when the student may return to school.

4. Parent/Guardian Conference: Whenever a student is suspended, school officials may request a meeting with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter. *(Education Code 48914)*

   If school officials request to meet with the parent/guardian, the notice may state that the law requires the parent/guardian to respond to such requests without delay. However, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied reinstatement solely because the parent/guardian failed to attend the conference. *(Education Code 48911)*

5. Extension of Suspension: If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision, provided the following requirements are followed: *(Education Code 48911)*

   (a). The extension of the original period of suspension is preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension.

   (b) The Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. *(Education Code 48911)*
   (c) If the student involved is a foster youth, the Superintendent or designee shall notify the district liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting. *(Education Code 48853.5, 48911, 48918.1)*
   (d) If the student involved is a homeless child or youth, the Superintendent or designee shall notify the district liaison for homeless students. *(Education Code 48918.1)*

In lieu of or in addition to suspending a student, the Superintendent, principal, or designee may provide services or require the student to participate in an alternative disciplinary program designed to correct his/her behavior and keep him/her in school.

Suspension by the Board

The Board may suspend a student for any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12" above and within the limits specified under "Suspension by Superintendent, Principal, or Designee" above. *(Education Code 48912)*

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester. The suspension shall meet the requirements of *Education Code 48915. (Education Code 48912.5)*

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold a closed session if a public hearing would lead to disclosure of information that would violate a student's right to privacy under *Education Code 49073-49079. (Education Code 35146, 48912)*

The Board shall provide the student and his/her parent/guardian with written notice of the closed session by registered or certified mail or personal service. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. *(Education Code 35146, 48912)*

On-Campus Suspension

A student for whom an expulsion action has not been initiated and who poses no imminent danger or threat to the school, students, or staff may be assigned to on-campus suspension in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply: *(Education Code 48911.1)*

1. The on-campus suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The on-campus suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. The student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to an on-campus suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification may be made in writing. *(Education Code 48911.1)*

Superintendent or Principal's Authority to Recommend Expulsion

Unless the Superintendent or principal determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct, he/she shall recommend a student's expulsion for any of the following acts: *(Education Code 48915)*

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance as listed in Health and Safety Code 11053-11058, except for (a) the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis, or (b) the student's possession of over-the-counter medication for his/her use or other medication prescribed for him/her by a physician
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

In determining whether or not to recommend the expulsion of a student, the Superintendent, principal, or designee shall act as quickly as possible to ensure that the student does not lose instructional time. *(Education Code 48915)*

Student's Right to Expulsion Hearing

Any student recommended for expulsion shall be entitled to a hearing to determine whether he/she should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal, or designee determines that the student has committed the act(s) that form the basis for the expulsion recommendation. *(Education Code 48918(a))*

The student is entitled to at least one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion. *(Education Code 48918(a))*

If the Board finds it impractical during the regular school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. *(Education Code 48918(a))*

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. *(Education Code 48918(a))*

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. *(Education Code 48918(a))*

Stipulated Expulsion

After a determination that a student has committed an expellable offense, the Superintendent, principal, or designee shall offer the student and his/her parent/guardian the option to waive a hearing and stipulate to the expulsion or to a suspension of the expulsion under certain conditions. The offer shall be made only after the student or his/her parent/guardian has been given written notice of the expulsion hearing pursuant to Education Code 48918.

The stipulation agreement shall be in writing and shall be signed by the student and his/her parent/guardian. The stipulation agreement shall include notice of all the rights that the student is waiving, including the waiving of his/her right to have a full hearing, to appeal the expulsion to the County Board of Education, and to consult legal counsel.

A stipulated expulsion agreed to by the student and his/her parent/guardian shall be effective upon approval by the Board.

Rights of Complaining Witness

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness. *(Education Code 48918.5)*

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of his/her right to: *(Education Code 48918.5)*

1. Receive five days' notice of his/her scheduled testimony at the hearing
2. Have up to two adult support persons of his/her choosing present at the hearing at the time he/she testifies
3. Have a closed hearing during the time he/she testifies

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending. *(Education Code 48918.5)*

Written Notice of the Expulsion Hearing

Written notice of the expulsion hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: *(Education Code 48900.8, 48918(b))*

1. The date and place of the hearing
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based
3. A copy of district disciplinary rules which relate to the alleged violation
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment

   This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).
5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a non attorney adviser

   Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

   Non attorney adviser means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.
6. The right to inspect and obtain copies of all documents to be used at the hearing
7. The opportunity to confront and question all witnesses who testify at the hearing
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses

Additional Notice of Expulsion Hearing for Foster Youth and Homeless Students

If the student facing expulsion is a foster student, the Superintendent or designee shall also send notice of the hearing to the student's attorney and a representative of an appropriate child welfare agency at least 10 days prior to the hearing. *(Education Code 48918.1)*

If the student facing expulsion is a homeless student, the Superintendent or designee shall also send notice of the hearing to the district liaison for homeless students at least 10 days prior to the hearing. *(Education Code 48918.1)*

Any notice for these purposes may be provided by the most cost-effective method possible, including by email or a telephone call. *(Education Code 48918.1)*

Alternative Expulsion Hearing:

Administrative Panel

The Board may appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled. (Education Code 48918)

A hearing conducted by administrative panel are as specified below in "Conduct of Expulsion Hearing," including the requirement to issue a decision within 40 school days of the student's removal from school, unless the student requests that the decision be postponed. (Education Code 48918(a) and (d))

Conduct of Expulsion Hearing

1. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))

2. Subpoenas: Before commencing a student expulsion hearing, the Administrative Panel may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Administrative Panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. *(Education Code 48918(i))*

   Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Administrative Panel. The Administrative Panel's decision in response to such an objection shall be final and binding. (Education Code 48918(i))

   If the Administrative Panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below. *(Education Code 48918(i))*

3. Presentation of Evidence: Technical rules of evidence shall not apply to the expulsion hearing, but

relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Administrative Panel to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion" above.: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12" above. *(Education Code 48918(h))*

Findings of fact shall be based solely on the evidence at the hearing. Although no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. *(Education Code 48918(f))*

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.

4. Testimony by Complaining Witnesses: The following procedures shall be observed when a hearing involves allegations of sexual assault or sexual battery by a student: *(Education Code 48918, 48918.5)*

a. Any complaining witness shall be given five days' notice before being called to testify.

b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during his/her testimony.

c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.

d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.

e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.

f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.

g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a non-threatening environment.

1. The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
2. At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.
3. The person conducting the hearing may:
   (a) Arrange the seating within the hearing room so as to facilitate a less intimidating

environment for the complaining witness
(b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours
(c) Permit one of the support persons to accompany the complaining witness to the witness stand

The Administrative Panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated and permitted to return to the classroom instructional program from which the referral was made, unless another placement is requested in writing by the student's parent/guardian. Before the student's placement decision is made by his/her parent/guardian, the Superintendent or designee shall consult with the parent/guardian and district staff, including the student's teachers, regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the student's expulsion referral was made. The decision to not recommend expulsion shall be final. *(Education Code 48918(e))*

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order. *(Education Code 48918(f))*

In accordance with Board policy, the Administrative Panel may recommend that the Board suspend the enforcement of the expulsion. If the Administrative Panel recommends that the Board expel a student but suspend the enforcement of the expulsion, the student shall not be reinstated and permitted to return to the classroom instructional program from which the referral was made until the Board has ruled on the recommendation. *(Education Code 48917, 48918)*

Final Action by the Board

Whether the expulsion hearing is conducted in an administrative panel hearing or is waived through the signing of a stipulated expulsion agreement, the final action to expel shall be taken by the Board in public. *(Education Code 48918(j))*

The Board's decision is final. If the decision is to not expel, the student shall be reinstated immediately. If the decision is to suspend the enforcement of the expulsion, the student shall be reinstated under the conditions of the suspended expulsion.

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for any "mandatory recommendation and mandatory expulsion" act listed in the section "Authority to Expel" in the accompanying Board policy, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. *(Education Code 48916)*

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation,

which may include: *(Education Code 48916)*

1. Periodic review, as well as assessment at the time of review, for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs

With parent/guardian consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school. *(Education Code 48916.5)*

Written Notice to Expel

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion: Grades K-12" or "Additional Grounds for Suspension and Expulsion: Grades 4-12" *(Education Code 48900.8)*
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian *(Education Code 48916)*
3. Notice of the right to appeal the expulsion to the County Board *(Education Code 48918)*
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion *(Education Code 48918)*
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 *(Education Code 48918)*

Decision to Suspend Expulsion Order

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion order, the Board shall take into account the following criteria:

1. The student's pattern of behavior
2. The seriousness of the misconduct
3. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program

The suspension of the enforcement of an expulsion shall be governed by the following:

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (*Education Code 48917)*
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. *(Education Code 48917)*
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion: Grades

K-12" or "Additional Grounds for Suspension and Expulsion: Grades 4-12" above or violates any of the district's rules and regulations governing student conduct. *(Education Code 48917)*

4. When the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. *(Education Code 48917)*
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. *(Education Code 48917)*
6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of his/her status with the expelling district, pursuant to Education Code 48915.1(b). *(Education Code 48918(j))*
7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. *(Education Code 48917)*

Appeal

The student or parent/guardian is entitled to file an appeal of the Board's decision with the County Board. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion order is suspended and the student is placed on probation. *(Education Code 48919)*

If the student submits a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board, the district shall provide the student with these documents within 10 school days following the student's written request. *(Education Code 48919)*

Notification to Law Enforcement Authorities

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. *(Education Code 48902)*

The principal or designee shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance, or of any student acts involving the possession, sale, or furnishing of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10. *(Education Code 48902)*

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate county or district law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering, or sale of controlled substances, alcohol, or intoxicants of any kind. *(Education Code 48902)*

Placement During Expulsion

The Board shall refer expelled students to a program of study that is: (Education Code 48915, 48915.01)

1. Appropriately prepared to accommodate students who exhibit discipline problems
2. Not provided at a comprehensive middle, junior, or senior high school or at any elementary school, unless the program is offered at a community day school established at any of these
3. Not housed at the school site attended by the student at the time of suspension

When the placement described above is not available and when the County Superintendent so certifies, students expelled for only acts described in items #6-12 under "Grounds for Suspension and Expulsion: Grades K-12" and items #1-3 under "Additional Grounds for Suspension and Expulsion: Grades 4-12" above may be referred to a program of study that is provided at another comprehensive middle, junior, or senior high school or at an elementary school. *(Education Code 48915)*

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12. *(Education Code 48916.1)*

Readmission After Expulsion

Prior to the date set by the Board for the student's readmission:

1. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference, the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
2. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session. If a written request for open session is received from the parent/guardian or adult student, it shall be honored to the extent that privacy rights of other students are not violated.
3. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.
4. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. *(Education Code 48916)*
5. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school.
6. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. *(Education Code 48916)*

No student shall be denied readmission into the district based solely on the student's arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other such contact with the juvenile justice system. *(Education Code 48645.5)*

Maintenance of Records

The district shall maintain a record of each suspension and expulsion, including its specific cause(s).

(Education Code 48900.8)

Expulsion records of any student shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon written request by that school. *(Education Code 48918(k))*

The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. *(Education Code 48915.1)*

Regulation approved: March 29, 2019

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES)
AR 5144.2

A student identified as an individual with a disability pursuant to the Individuals with Disabilities Education Act (IDEA), 20 USC 1400-1482, is subject to the same grounds and procedures for suspension and expulsion which apply to students without disabilities, except as otherwise specified in this administrative regulation.

Suspension

The Superintendent or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.536. *(Education Code 48903; 34 CFR 300.530)*

The principal or designee shall monitor the number of days, including portions of days, in which a student with a valid individualized education program (IEP) has been suspended during the school year.

The Superintendent or designee shall determine, on a case-by-case basis, whether a pattern of removals of a student from his/her current educational placement for disciplinary reasons constitutes a change of placement. A change of placement shall be deemed to have occurred under either of the following circumstances: (34 CFR 300.536)

1. The removal is for more than 10 consecutive school days.

2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
a. The series of removals total more than 10 school days in a school year.
b. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals.
c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another, indicate a change of placement.

If a student's removal is determined to be a change of placement as specified in items #1-2 above, or the student is suspended for more than 10 school days in the same school year, the student's IEP team shall determine the appropriate educational services. Such services shall be designed to enable the student to continue to participate in the general education curriculum in another setting, to progress toward meeting the goals set out in his/her IEP, and to address the student's behavior violation so that it does not recur. (20

USC 1412(a)(1)(A); 34 CFR 300.530)

If the IEP of a student with a disability requires the district to provide the student with transportation, the district shall provide the student with an alternative form of transportation at no cost to him/her or to his/her parent/guardian when he/she is to be excluded from school bus transportation. *(Education Code 48915.5)*

Interim Alternative Educational Placement Due to Dangerous Behavior

The district may unilaterally place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days, without regard to whether the behavior is a manifestation of the student's disability, when the student commits one of the following acts while at school, going to or from school, or at a school-related function: (20 USC 1415(k)(1)(G); 34 CFR 300.530)

1. Carries or possesses a weapon, as defined in 18 USC 930
2. Knowingly possesses or uses illegal drugs
3. Sells or solicits the sale of a controlled substance as identified in 21 USC 812(c), Schedules I-V
4. Inflicts serious bodily injury upon another person as defined in 18 USC 1365

The student's interim alternative educational setting shall be determined by his/her IEP team. (20 USC 1415(k)(1)(G); 34 CFR 300.531)

On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

A student who has been removed from his/her current placement because of dangerous behavior shall receive services, although in another setting, to the extent necessary to allow him/her to participate in the general education curriculum and to progress toward meeting the goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

Manifestation Determination

The following procedural safeguards shall apply when a student with a disability is suspended for more than 10 consecutive school days, when a series of removals of a student constitutes a pattern, or when a change of placement of a student is contemplated due to a violation of the district's code of conduct:

1. Notice: On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

2. Manifestation Determination Review: Immediately if possible, but in no case later than 10 school days after the date the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

At the manifestation determination review, the district, the student's parent/guardian, and relevant members of the IEP team (as determined by the district and parent/guardian) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians, to determine whether the conduct in question was either of the following: (20 USC 1415(k)(1)(E); 34 CFR 300.530)

a. Caused by or had a direct and substantial relationship to the student's disability
b. A direct result of the district's failure to implement the student's IEP, in which case the district shall take immediate steps to remedy those deficiencies

If the manifestation review team determines that either of the above conditions applies, the student's conduct shall then be determined to be a manifestation of his/her disability. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

3. Determination that Behavior is a Manifestation of the Student's Disability: When the student's conduct has been determined to be a manifestation of his/her disability, the IEP team shall conduct a functional behavioral assessment, unless one had been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student. If a behavioral intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

The student shall be returned to the placement from which he/she was removed, unless the parent/guardian and Superintendent or designee agree to a change of placement as part of the modification of the behavioral intervention plan. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

4. Determination that Behavior is Not a Manifestation of the Student's Disability: When it has been determined that the student's conduct was not a manifestation of his/her disability, the student may be disciplined in accordance with the procedures for students without disabilities. However, the student's IEP team shall determine services necessary to enable him/her to participate in the general education curriculum in another setting and to allow him/her to progress toward meeting the goals set out in his/her IEP. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

As appropriate, the student also shall receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

Due Process Appeals

If the parent/guardian disagrees with any district decision regarding placement under 34 CFR 300.530 (suspension and removal for dangerous circumstances) or 34 CFR 300.531 (interim alternative placement), or the manifestation determination under 34 CFR 300.530(e), he/she may appeal the decision by requesting a hearing. The district may request a hearing if the district believes that maintaining the student's current placement is substantially likely to result in injury to the student or others. In order to request a due process hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b). (20 USC 1415(k)(3); 34 CFR 300.532)

Whenever a hearing is requested as specified above, the parent/guardian or the district shall have an opportunity for an expedited due process hearing consistent with requirements specified in 34 CFR 300.507, 300.508 (a)-(c), and 300.510-300.514.

If the student's parent/guardian or the district has initiated a due process hearing under 34 CFR 300.532 as detailed above, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and district agree otherwise. (20 USC 1415(k)(4); 34 CFR 300.533)

Readmission

Readmission procedures for students with disabilities shall be the same as those adopted for students without disabilities. Upon readmission of a student with disabilities, an IEP team meeting shall be convened to review and, as necessary, modify the student's IEP.

Decision Not to Enforce Expulsion Order

The Governing Board's criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to all other students. *(Education Code 48917)*

Notification to Law Enforcement Authorities

Law enforcement notification requirements involving students with disabilities shall be the same as those specified for all students in AR 5144.1 - Suspension and Expulsion/Due Process.

When giving any required notification concerning a student with disabilities to any law enforcement official, the principal or designee shall require the law enforcement official to certify in writing that he/she will not disclose the student's information or records to any other person without the prior written consent of the student's parent/guardian. *(Education Code 49076)*

Report to County Superintendent of Schools

The Superintendent or designee shall report to the County Superintendent of Schools when any special education student has been expelled or suspended for more than 10 school days. The report shall include the student's name, last known address, and the reason for the action. *(Education Code 48203)*

Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been determined to be eligible for special education and related services and who has violated the district's code of student conduct may nevertheless assert any of the protections under IDEA, if the district had knowledge of the student's disability. (20 USC 1415(k)(5); 34 CFR 300.534)

Knowledge means that, before the occurrence of the behavior that precipitated the disciplinary action, one of the following occurred: (20 USC 1415(k)(5); 34 CFR 300.534)

1. The parent/guardian, in writing, has expressed concern to district supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education or related services.

2. The parent/guardian has requested an evaluation of the student for special education pursuant to 20 USC 1414(a)(1)(B) or 34 CFR 300.300-300.311.

3. The teacher of the student or other district personnel has expressed specific concerns directly to the district's director of special education or other supervisory district personnel about a pattern of behavior demonstrated by the student.

However, the district shall not be deemed to have knowledge of a student's disability if the student's parent/guardian has not allowed him/her to be evaluated for special education services or has refused services or, after evaluating the student pursuant to 34 CFR 300.300-300.311, the district determined that he/she was not an individual with a disability.

When the district is deemed to not have knowledge of a student's disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior. (20 USC 1415(k)(5); 34 CFR 300.534)

If a request is made for an evaluation of a student during the time period in which the student is subject to

disciplinary measures pursuant to 34 CFR 300.530, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities. (20 USC 1415(k)(5); 34 CFR 300.534)

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
approved: November 13, 2012 Morgan Hill, California

Students AR 5112.2

EXCLUSIONS FROM ATTENDANCE

The Superintendent or designee shall ensure that each child entering a district school at any grade level adheres to district admission requirements and enrollment procedures.

Mandatory Exclusions

The Superintendent or designee shall not unconditionally admit any student to an elementary or secondary school, preschool, or child care and development program for the first time, nor after July 1, 2016, admit or advance any student to grade 7 unless the student has been fully immunized in accordance with Health and Safety Code 120335 and BP/AR 5141.31 – Immunizations or is exempted by law.

If a conditionally admitted student has not received required immunizations within 10 days after his/her parent/guardian has been notified of the need to do so, the student shall be excluded until he/she provides written evidence that he/she has received the vaccines due at that time. *(Education Code 48216; Health and Safety Code 120335, 120370; 17 CCR 6055)*

The Superintendent or designee shall not admit a student who is reasonably suspected of having active tuberculosis. He/she shall be denied admission until the local health officer or licensed medical practitioner informs the district, in writing, that the student is no longer at risk of developing or transmitting the disease. (Health and Safety Code 121485, 121495, 121505)

The Superintendent or designee shall exclude a student who is infected with any contagious or infectious disease. The student shall be permitted to return to school when a medical provider informs the Superintendent or designee in writing that he/she is satisfied that the contagious or infectious disease no longer exists. *(Education Code 49451; 5 CCR 202)*

The Superintendent or designee shall exclude a student who resides where any contagious, infectious, or communicable disease subject to quarantine exists or has recently existed and who is subject to strict isolation or quarantine of contacts, unless written permission of the health officer is provide. (Health and Safety Code 120230)

Permissive Exclusions

A student may be excluded from attendance at a district school under either of the following circumstances:

1. If there is good cause to believe that the student has been exposed to any disease stated in Health and Safety Code 120335 and his/her documentation of immunization does not show proof of immunization against that disease, the student may be temporarily excluded from the school until the local health officers is satisfied that the student is no longer at risk of developing or transmitting the disease. (Health and Safety Code 120335, 120370)

2. If the student has not had the health screening specified in Health and Safety Code 124040 before

or within the first the first 90 days of attending first grade, he/she may be excluded for up to five days unless the parent/guardian has presented a waiver or the district has exempted the student from this requirement in accordance with law. (Health and Safety Code 12410)

Notifications to Parents/Guardians

The Superintendent or designee may exclude a student without prior notice to the parent/guardian if the student is excluded for any of the following reasons: *(Education Code 48213)*

1. He/she resides in an area subject to quarantine pursuant to Health and Safety Code 120230
2. He/she is exempt from a medical examination but suffers from a contagious or infectious disease pursuant to Education Code 49451.
3. The Superintendent or designee determines that the presence of the student would constitute a clear and present danger to the safety or health of other students or school personnel.

However, in such cases, the Superintendent or designee shall send a notice as soon as reasonably possible after the exclusion. *(Education Code 48213)*

In all other cases, the Superintendent or designee shall send a notice to the student's parent/guardian stating the facts leading to the exclusion, prior to excluding the student from attendance.

Appeals from Exclusion

Upon exclusion of his/her child, a parent/guardian may meet with the Superintendent or designee to discuss the exclusion. If the parent/guardian disagrees with the decision of the Superintendent or designee to exclude his/her child, he/she may appeal the decision to the Governing Board.

The parent/guardian shall have an opportunity to inspect all documents upon which the district is basing its decision, to challenge any evidence and question any witness presented by the district, to present oral and documentary evidence on the student's behalf, and to have one or more representatives present at the meeting.

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
approved: September 5, 2017 Morgan Hill, California

Immunizations AR 5141.31

Required Immunizations

The Superintendent or designee shall not unconditionally admit any student to a district elementary or secondary school, preschool, or child care and development program nor advance a student to specified grade levels unless that student has presented documentation of full immunization, in accordance with the age/grade and dose required by the California Department of Public Health (CDPH), against the following diseases: (Health and Safety Code 120335; 17 CCR 6020)

1. Measles, mumps and rubella (MMR)

2. Diphtheria, tetanus and pertussis (whooping cough) (DTP, DTaP, or Tdap)

3. Poliomyelitis (polio)

4. Hepatitis B

5. Varicella (chickenpox)

6. Haemophilus influenza type b (Hib meningitis)

7. Any other disease designated by the CDPH

The student's immunization record shall be provided by the student's health care provider or from the student's previous school immunization record. The record must show the date that each dose was administered.

Exemptions

Exemption from immunization requirements is allowed when: (Health and Safety Code 120365, 120370; 17 CCR 6051)

1. The student's parent/guardian states in writing that immunization is contrary to his/her beliefs.

   However, if there is good cause to believe that the student has been exposed to one of the communicable diseases listed above, the student may be temporarily excluded from school until the local public health officer is satisfied that the student is no longer at risk of developing the disease.

2. The student's parent/guardian provides a written statement by a licensed physician that the physical condition or medical circumstances of the student are such that immunization is unsafe or is permanently not indicated, in which case the student shall be exempted to the extent indicated by the physician's statement.

Exclusions Due to Lack of Immunizations

Any student without the required evidence of immunization may be excluded from school until the immunization is obtained or the student presents a letter or affidavit of exemption from his/her parent/guardian or physician to the Superintendent or designee.

Before an already admitted student is excluded from school attendance because of lack of immunization, the Superintendent or designee shall notify the parent/guardian that he/she has 10 school days to supply evidence of proper immunization or an appropriate letter of exemption. (Education Code 48216; 17 CCR 6040)

This notice shall refer the parent/guardian to the student's usual source of medical care or, if the student has no usual source of medical care, then to the county health department or school immunization program, if any. (Education Code 48216)

The Superintendent or designee shall exclude from further attendance any already admitted student who fails to obtain the required immunization within 10 school days following the parent/guardian's receipt of the notice specified above, unless the student is exempt from immunization for medical reasons or personal beliefs. The student shall remain excluded from school until he/she has received another dose of each required vaccine due at that time. The student shall also be reported to the attendance supervisor or principal. (17 CCR 6055)

Conditional Enrollment

The Superintendent or designee may conditionally admit a student with documentation from an authorized health care provider that: (Health and Safety Code 120340; 17 CCR 6000, 6035)

1. He/she has received some but not all required immunizations and is not due for any vaccine dose at the time of admission

2. He/she has a temporary exemption from immunization for medical reasons

The Superintendent or designee shall notify the student's parents/guardians of the date by which the student must complete all the remaining doses when they become due as specified in 17 CCR 6035.

The Superintendent or designee shall review the immunization record of each student admitted conditionally every 30 days until that student has received all the required immunizations. If the student does not receive the required immunizations within the specified time limits, he/she shall be excluded from further attendance until the immunizations are received. (Health and Safety Code 120375; 17 CCR 6070)

Records

The Superintendent or designee shall record each new entrant's immunizations in the California School Immunization Record and retain it as part of the student's mandatory permanent student record. District staff shall maintain the confidentiality of immunization records and may disclose such information to state and local health departments only in accordance with law. (Health and Safety Code 120375, 120440; 17 CCR 6070)

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
approved: November 13, 2012 Morgan Hill, California

Independent Study BP 6158

The Board of Education has previously authorized independent study as an optional alternative instructional strategy for eligible students whose needs may be best met through study outside of the regular classroom setting. (cf. 6158 – Independent Study.) With the enactment of Assembly Bill No. 130 (Ch. 44, Stats. 2021, hereafter "AB 130"), school districts and county offices of education are required to offer independent study for the 2021-2022 school year, with limited exceptions.

Education Code section 51747, as it read prior to July 8, 2021, provided that a local educational agency shall not be eligible to receive apportionments for independent study unless it has adopted and implemented written policies as specified in that statute. AB 130 continues the requirement for local educational agencies to adopt and implement written policies, and adds additional content required to be included in such policies. This policy is intended to supplement Board Policy (BP) and Administrative Regulation (AR) No. 6158 to include the additional requirements of AB 130. To the extent that there is any conflict between this policy and BP and AR No. 6158, the provisions of this policy shall govern.

The District shall comply with the requirements of AB 130 by either providing an independent study option to all students or contracting with the County Office of Education or through an interdistrict transfer agreement with another school district to provide independent study to students.

The Superintendent and Administration shall adopt Regulations implementing this policy in compliance with AB 130.

Policy
Adopted: August 03, 2021

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Students BP 5121

GRADES/EVALUATION OF STUDENT ACHIEVEMENT

The Governing Board believes that grades serve a valuable instructional purpose by helping students and parents/guardians understand performance expectations and identifying the student's areas of strength and those areas needing improvement. Parents/guardians and students have the right to receive course grades that represent an accurate evaluation of the student's academic performance.

The Superintendent or designee shall establish a uniform grading system that shall be applied to all students in that course and grade level. Principals and teachers shall ensure that student grades conform to this system. Teachers shall inform students and parents/guardians how academic performance will be evaluated in the classroom.

A teacher shall base a student's grades on the quality of the student's academic work and his/her mastery of standard based course content. Students shall have the opportunity to demonstrate this mastery through a variety of methods including, but not limited to, classroom participation, coursework, tests, and portfolios.

A teacher may assign a failing grade to a student who has 8 or more unexcused absences during the grading period.

A grade assigned by the teacher shall not be changed by the Board or the Superintendent except as provided by law, Board policy, or administrative regulation. *(Education Code 49066)*

Students in grades K-3 shall receive standards-based progress reports at the end of each grading period rather than letter grades.

When reporting student performance to parents/guardians, teachers may add narrative descriptions, observational notes, and/or samples of classroom work in order to better describe student progress in specific skills and subcategories of achievement.

A report card for a student with a disability may contain information about his/her disability, including whether that student received special education or related services, provided that the report card informs parents/guardians about their child's progress or level of achievement in specific classes, course content, or curriculum. However, transcripts that may be used to inform postsecondary institutions or prospective employers of the student's academic achievements shall not contain information disclosing the student's disability.

Effect of Absences on Grades

If a student misses class without an excuse and does not subsequently turn in homework, take a test, or fulfill another class requirement which he/she missed, the teacher may lower the student's grade for nonperformance.

The Board believes that eight unexcused absences per semester grading period constitute excessive

unexcused absences. Students with excessive unexcused absences may receive a failing grade and not receive credit for the class(es).

Grade Point Average

The Superintendent or designee shall determine the methodology to be used in calculating students' grade point averages (GPA), including the courses to be included within the GPA and whether extra grade weighting shall be applied to Advanced Placement, honors, and/or concurrent postsecondary courses.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
Board Approval September 5, 2017 Morgan Hill, California

Students AR 5121

GRADES/EVALUATION OF STUDENT ACHIEVEMENT

Report cards displaying students' grades in each subject or course shall be distributed to parents/guardians at the end of each grading period. Parents/guardians shall be offered an opportunity to meet with their child's teacher(s) to discuss the grades and strategies to improve their child's performance levels.
For each student in grades 9-12, the Superintendent or designee shall maintain a transcript recording the courses taken, the term that each course was taken, credits earned, final grades, and date of graduation.

Grades for Academic Achievement K-5

In grades K-5, teachers shall use content standards-based report cards to indicate the student's level of achievement. Report cards are issued each trimester to indicate the student's level of achievement.

In grades 4-5 criteria for determining grades for achievement may include but are not limited to:

1. Preparation of assignments, including accuracy, legibility and promptness
2. Contribution to classroom discussions
3. Demonstrated understanding of concepts in tests and other assessments
4. Application of skills and principles to new situations
5. Organization and presentation of written and oral reports
6. Originality and reasoning ability when working through problems

Academic achievement in grades 4-5 shall be reported each trimester and shall reflect achievement of the grade level content standards.

A	(90-100%)	Outstanding achievement of standards	4.0 grade points
B	(80-89%)	Proficient achievement of standards	3.0 grade points
C	(70-79%)	Satisfactory achievement of standards	2.0 grade points
N	(69% or below)	Minimal to non-achievement of standards	0 grade points

Grades for Achievement 6-12

Grades 6-8

In grades 6-8, report cards are issued each semester to indicate the student's level of achievement.

In grades 6-8 criteria for determining grades for achievement may include but are not limited to:

1. Preparation of assignments, including accuracy, legibility and promptness
2. Contribution to classroom discussions
3. Demonstrated understanding of concepts in tests and other assessments
4. Application of skills and principles to new situations
5. Organization and presentation of written and oral reports
6. Originality and reasoning ability when working through problems

Academic achievement in grades 6-8 shall be reported each semester and shall reflect course content standards.

A	(90-100%)	Outstanding achievement of standards	4.0 grade points
B	(80-89%)	Proficient achievement of standards	3.0 grade points
C	(70-79%)	Satisfactory achievement of standards	2.0 grade points
D	(60-69%)	Minimal achievement of standards	1.0 grade points
F	(0-59%)	Non-achievement of standards	0 grade points
I		Incomplete	0

Grades 9-12

Academic achievement in grades 9-12 shall be reported each semester and shall reflect students' demonstration of course content standards achievement. Teachers in grades 9-12 may, in their best professional judgment, assign plus and minus signs to grades.

A	(90-100%)	Outstanding achievement of standards	4.0 grade points
B	(80-89%)	Proficient achievement of standards	3.0 grade points
C	(70-79%)	Satisfactory achievement of standards	2.0 grade points
D	(60-69%)	Minimal achievement of standards	1.0 grade points
F	(59 and below)	Non-achievement of standards	0 grade points
I		Incomplete	0 grade points
NC		No credit	
NCA		No credit due to excessive absences	
NM		No mark	
NR		No record	
P		Pass	
W		Withdrawn	
W/F		Withdraw/Fail	

Whenever it becomes evident to a teacher that a student is in danger of failing a course, the teacher shall arrange a conference with the student's parent/guardian or a written report will be provided to the parent, by U.S. Mail, e-mail, or access to online grade reporting. (Education Code 49067). This may include, but is not limited to, mid-quarter progress reports and alerting parents to online grade reporting.

No grade of a student participating in a physical education class may be adversely affected due to the fact that the student, because of circumstances beyond his/her control, does not wear standardized physical education apparel. *(Education Code 49066)*

A teacher may, in his or her best professional judgment, assign grades which reflect, not completion of course work, but the student's demonstration of achievement of course content standards. Teachers are encouraged to allow for trends in the quality of student work. For example, when a student finishes a

grading period doing high quality work, which requires skills acquired throughout the grading period, low grades at the beginning of the grading period need not diminish the appropriate evaluation of the student's achievement. Similarly, high grades at the beginning need not compensate for a downward trend in achievement.

Student performance in high school physical education courses shall be based upon evaluation of the student's individual progress, attainment of goals in each instructional area, tests designed to determine skill and knowledge, and physical performance tests. (5 CCR 10060)

Participation in Extra/Co-Curricular Activities (Grades 6-12)

To encourage and support academic excellence, the Board requires students in grades 6 through 12 to maintain academic eligibility in the previous grading period in order to participate in extra/co-curricular activities. See Board Policy 6145. *(Education Code 35160.5)*

Honor Roll (Grades 6-12)

Each secondary school shall post an Honor Roll. All courses except Pass/Fail shall be counted in computing eligibility for the Honor Roll. To qualify for the Honor Roll, a student must receive no current grade below a C and have a grade point average of 3.0~~5~~ or better.

Superintendents Honor Roll	4.0+
Principals Honor Roll	3.5+
Honor Roll	3.0+

Advanced Placement/Honors Courses (Grades 9-12)

The district wishes to encourage students to take advanced placement (AP) and honors courses. AP courses are developed by the College Board and approved by the University of California system. Honors courses are developed by the district and approved by the University of California. Because of the extra work involved, the evaluation system shall be weighted to reflect the more rigorous nature of these courses. Grades received in these courses will be counted on a weighted scale. All students who take an advanced placement (AP) course are expected to take the related College Board Advanced Placement Exam to receive the weighted grade point. Families can check with their school site administrators to find out about the annual availability of state funds to cover the cost of advanced placement examination fees. The advanced placement course will be noted on the student's transcript.

Following is the weighted scale for honors courses and advanced placement courses for which a student takes the related advanced placement exam:

A	=	5 grade points
B	=	4 grade points
C	=	3 grade points
D	=	1 grade point
F	=	0 grade points

Pass/Fail Grading (Grades 9-12)

With parental approval, a student may elect to earn a *Pass* or *Fail* grade instead of an A-F grade in all courses taken in the Special Education Program.

Students who receive a *Pass* grade will acquire the appropriate semester units of credit for the course, and

the grade will not be counted in determining class rank or grade point average and co-curricular eligibility. Students who receive a *Fail* grade will not receive credit for taking the course.

Repeated Classes (Grades 9-12)

With the prior approval of the principal or designee, a student may repeat a course in order to raise his/her grade. The student shall receive credit only for taking the course once.

Both grades received will be entered on the student's transcript with the highest grade receiving the credit. It should be noted that the University of California/California State University system will not accept repeat course grades if the student initially received a C or better. *(California Code of Regulations Title V, section 58161)*

Withdrawal from Classes (Grades 9-12)

A student who submits a *Request for Withdrawal Form* during the first two weeks of the semester may do so without any entry on his/her permanent record card. A student who drops a course after the first two weeks of the semester shall receive a W/F grade on his/her permanent record, unless otherwise decided by the principal or designee because of extenuating circumstances.

Unexcused Absences (Grades 9-12)

The student and parent/guardian shall be notified and informed of the district's policy regarding excessive unexcused absences. The student and parent/guardian shall have a reasonable opportunity to explain absences. *(Education Code 49067)*

If an absence is not verified as excusable within three days, it shall be recorded as unexcused. The person receiving any explanation of the absence by the parent/guardian shall make a record of this explanation and the date when it was given.

Students with excessive unexcused absences (eight absences per semester grading period) may be given a failing grade and not receive credit for the course(s). Teachers may, in their best professional judgment, assign a failing grade to a student with excessive unexcused absences. The student or the student's parent/guardian shall be provided with an opportunity to explain the absences. The district shall notify the student's parent/guardian of this unexcused absence policy through an annual notice or through the teacher.

If a student receives a failing grade because of unexcused absences, school records shall specify that the grade was given because of excessive unexcused absences. *(Education Code 49067)*

Grades for a student in foster care shall not be lowered if the student is absent from school due to either of the following circumstances: *(Education Code 49069.5)*

1. A decision by a court or placement agency to change the student's placement, in which case the student's grades and credits shall be calculated as of the date the student left school
2. A verified court appearance or related court-ordered activity

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
approved: September 5, 2017 Morgan Hill, California

Education Code 48980(j) Availability of State Funds to Cover Advanced Placement Exam Fees:

The notification shall advise the parent or guardian of the availability of state funds to cover the costs of

advanced placement examination fees pursuant to Section 52242.

Education Code: 48980(i) No Grade Reduction for Excused Absences:

(i) The notification shall advise the parent or guardian that a pupil shall not have a grade reduced or lose academic credit for any absence or absences excused pursuant to Section 48205 if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time, and shall include the full text of Section 48205.

State Academic Achievement Tests AR 6162.51

The district shall administer the following assessments in the California Assessment of Student Performance and Progress (CAASPP): (Education Code 60640)

1. The Smarter Balanced Assessment Consortium summative assessments for English language arts and mathematics, aligned with Common Core State Standards, in grades 3-8 and 11

All students at the applicable grade levels shall be administered these tests, except that:

a. English learners who are in their first 12 months of attending a school in the United States shall be exempted from taking the English language arts assessment to the extent allowed by federal law
b. Students with disabilities may be provided an alternate test in accordance with their individualized education program (IEP), as provided in item #3 below

2. California Standards Tests in science at grades 5, 8, and 10

3. For students with disabilities who are unable to take the tests specified in items #1-2 above even with appropriate accommodations, the California Alternate Performance Assessment (CAPA) in English language arts and mathematics for students in grades 2-11 and either the CAPA or California Modified Assessment in science for students in grades 5, 8, and 10, in accordance with the student's IEP

Testing Period

The state achievement tests shall be administered within the testing period established by the State Board of Education (SBE) pursuant to Education Code 60640. Students who are absent during testing shall be provided an opportunity to take the tests during the period of time established by the SBE for make-up testing.

Exemptions

A parent/guardian may submit to the school a written request to excuse his/her child from any or all parts of any test. However, district employees shall not solicit or encourage any written exemption on behalf of any student or group of students. (5 CCR 852)

Testing Variations

Assessments shall be administered in accordance with the manuals or other instructions provided by the

test contractor and California Department of Education (CDE), except that students may be provided a tool, support, or accommodation that is specifically allowed pursuant to 5 CCR 853.5.

Accommodations provided to students with disabilities shall be those specified in their IEP or Section 504 plan. (5 CCR 850, 853.5)

Staff Responsibilities

On or before September 30 of each year, the Superintendent or designee shall designate a district coordinator who shall oversee all matters related to the testing program and serve as the district representative and liaison with the test contractor and the CDE. In addition, the Superintendent or designee shall designate a coordinator for each test site. The duties of the district and school site test coordinators shall include those specified in 5 CRR 857-858. (5 CCR 857-858)

The Superintendent or designee also shall appoint test examiner(s) to administer the state assessments. A test examiner shall be an employee or contractor of the district or, for the CAPA, shall be a certificated or licensed employee of the school, district, or county office of education. (5 CCR 850)

As appropriate, the Superintendent or designee shall assign a specially trained district employee to serve as a test proctor to assist the test examiner; a specially trained district employee, or other person supervised by a district employee, to serve as a translator to translate the test directions into a student's primary language; and a district employee to serve as a scribe to transcribe a student's responses to the format required by the test. A student's parent/guardian shall not be eligible to be that student's translator or scribe. (5 CCR 850)

Test coordinators, examiners, proctors, translators, and scribes shall sign a test security agreement or affidavit. (5 CCR 850, 857-859)

Report of Test Results

For any state assessments that produce valid individual student results, the Superintendent or designee shall provide a written report of the student's results to his/her parents/guardians which includes a clear explanation of the purpose of the test, the student's score, and its intended use by the district. An individual student's scores shall also be reported to his/her school and teacher(s) and shall be included in his/her student record. (Education Code 60641; 5 CCR 863)

With parent/guardian consent, the Superintendent or designee may release a student's test results to a postsecondary educational institution for the purposes of credit, placement, determination of readiness for college-level coursework, or admission. (Education Code 60641)

The Superintendent or designee shall present districtwide, school-level, and grade-level results to the Governing Board at a regularly scheduled meeting. The Board shall not receive individual students' scores or the relative position of any individual student. (Education Code 49076, 60641)

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: June 23, 2015 Morgan Hill, California

Withholding Grades, Diploma or Transcripts AR 5125.2

When a minor student willfully cuts, defaces, or otherwise injures real or personal property of the district

or willfully does not return district property that has been loaned to the student, the student's parents/guardians may be required to pay the costs of all damages within the limits established pursuant to Education Code 48904. Until the student's parents/guardians have paid for the damages or the student has completed voluntary work or other nonmonetary alternative offered by the district in lieu of monetary damages, the Superintendent or designee may withhold the student's grades, diploma, and/or transcripts. (Education Code 48904, 49014)

This administrative regulation shall not apply to a student who is a current or former homeless or foster youth. (Education Code 49014)

Before withholding a student's grades, diploma, and/or transcripts, the Superintendent or designee shall inform the student's parents/guardians in writing of the student's alleged misconduct. (Education Code 48904)

The student shall be afforded due process consistent with procedures established for the expulsion of students. (Education Code 48904)

When a student who is transferring into the district has had grades, a diploma, and/or transcripts withheld by the previous district, the Superintendent or designee shall continue to withhold the student's grades, diploma, and/or transcripts until notified by the previous district that the decision to withhold has been rescinded. (Education Code 48904.3)

Upon receiving notice that a student whose grades, diploma, and/or transcripts have been withheld by this district has transferred to another district in California, the Superintendent or designee shall provide the student's records to the new district and notify the new district that the student's grades, diploma, and/or transcripts are being withheld from the student and parents/guardians pursuant to Education Code 48904.

The Superintendent or designee shall also notify the student's parents/guardians in writing that the decision to withhold the student's grades, diploma, and/or transcripts will be enforced by the new district. (Education Code 48904.3)

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: 03/29/2019 Morgan Hill, California

Students BP 5123

PROMOTION/ACCELERATION/RETENTION

The Governing Board expects students to progress through each grade level within one school year. Toward this end, instruction shall be designed to accommodate the variety of ways that students learn and provide strategies for addressing academic deficiencies as needed.

Students shall progress through the grade levels by demonstrating growth in learning and meeting grade-level standards of expected student achievement.

When high academic achievement is evident, the teacher may recommend a student for acceleration to a

higher grade level. The student's social, emotional, physical, and academic readiness may be taken into consideration in making a determination to accelerate a student.

Teachers shall identify students who may be retained or who are at risk of being retained at their current grade level as early as possible in the school year and as early in their school careers as practicable. Such students may be identified at the following grade levels: *(Education Code 48070.5)*

Students shall be identified for retention on the basis of failure to meet minimum levels of proficiency, as indicated by grades, attendance, classroom observations, and other assessments.

Students between grades 2 and 3 and grades 3 and 4 shall be identified primarily on the basis of their level of proficiency in reading. Proficiency in reading, English language arts, and mathematics shall be the basis for identifying students between grades 4 and 5, between intermediate and middle school grades, and between middle school grades and high school grades. *(Education Code 48070.5)*

If a student does not have a single regular classroom teacher, the Superintendent or designee shall specify the teacher(s) responsible for the decision to promote or retain the student. *(Education Code 48070.5)*

The teacher's decision to promote or retain a student may be appealed in accordance with AR 5123 - Promotion/Acceleration/Retention.

When any student in grades 2-9 is recommended for retention or is identified as being at risk for retention, the Superintendent or designee may offer an appropriate program of remedial instruction to assist the student in meeting grade-level expectations. *(Education Code 48070.5)*

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: November 5, 2019 Morgan Hill, California

Students AR 5123

PROMOTION/ACCELERATION/RETENTION

Acceleration from Kindergarten to First Grade

Any student who meets the age eligibility requirement and has completed one year of kindergarten shall be admitted to first grade unless the parent/guardian and the Superintendent or designee agree that the student shall continue in kindergarten. *(Education Code 48010, 48011)*

A student who does not meet the age eligibility requirement may be admitted to first grade at the discretion of the Superintendent or designee and with the consent of the parent/guardian upon determination that the student is ready for first-grade work, subject to the following minimum criteria: *(Education Code 48011; 5 CCR 200)*

1. The student is at least five years of age.
2. The student has attended a public school kindergarten for a long enough time to enable school personnel to evaluate his/her ability.
3. The student is in the upper five percent of his/her age group in terms of general mental ability.
4. The physical development and social maturity of the student are consistent with his/her advanced mental ability.
5. The parent/guardian of the student has filed a written statement with the district approving the

placement in first grade.

Continuation in Kindergarten

Whenever the Superintendent or designee and the parents/guardians agree that a student shall continue in kindergarten for an additional year, the Superintendent or designee shall secure an agreement, signed by the parent/guardian, stating that the student shall continue in kindergarten for not more than one additional school year. *(Education Code 46300, 48011)*

Retention at Other Grade Levels

If a student is identified as performing below the minimum standard for promotion to the next grade level based on the indicators specified in Board policy, the student shall be retained in his/her current grade level unless the student's regular classroom teacher determines, in writing, that retention is not the appropriate intervention for the student's academic deficiencies. This determination shall specify the reasons that retention is not appropriate for the student and shall include recommendations for interventions other than retention that, in the opinion of the teacher, are necessary to assist the student in attaining acceptable levels of academic achievement. *(Education Code 48070.5)*

If the teacher's recommendation to promote is contingent on the student's participation in a summer school or interim session remediation program, the student's academic performance shall be reassessed at the end of the remediation program, and the decision to retain or promote the student shall be reevaluated at that time. The teacher's evaluation shall be provided to and discussed with the student's parents/guardians and the principal before any final determination of retention or promotion. *(Education Code 48070.5)*

When a student is identified as being at risk of retention, the Superintendent or designee shall so notify the student's parent/guardian as early in the school year as practicable. The student's parent/guardian shall be provided an opportunity to consult with the teacher(s) responsible for the decision to promote or retain the student. *(Education Code 48070.5)*

Appeal Process

Whenever a student's parent/guardian appeals the teacher's decision to promote or retain a student, the burden shall be on the parent/guardian to show why the teacher's decision should be overruled. *(Education Code 48070.5)*

To appeal a teacher's decision, the parent/guardian shall submit a written request to the Superintendent or designee specifying the reasons that the teacher's decision should be overruled. The appeal must be initiated within 10 school days of the determination of retention or promotion.

The teacher shall be provided an opportunity to state orally and/or in writing the criteria on which his/her decision was based.

Within 30 days of receiving the request, the Superintendent or designee shall determine whether or not to overrule the teacher's decision. Prior to making this determination, the Superintendent or designee may meet with the parent/guardian and the teacher. If the Superintendent or designee determines that the parent/guardian has overwhelmingly proven that the teacher's decision should be overruled, he/she shall overrule the teacher's decision.

The Superintendent or designee's determination may be appealed by submitting a written appeal to the Governing Board within 15 school days. Within 30 days of receipt of a written appeal, the Board shall meet in closed session to decide the appeal. The Board's decision may be made on the basis of documentation prepared as part of the appeal process or, at the discretion of the Board, the Board may

also meet with the parent/guardian, the teacher, and the Superintendent or designee to decide the appeal. The decision of the Board shall be final.

If the final decision is unfavorable to the parent/guardian, he/she shall have the right to submit a written statement of objections which shall become part of the student's record.

Regulation MORGAN HILL UNIFIED SCHOOL DISTRICT
approved: February 7, 2017 Morgan Hill Unified School District

STANDARDIZED TESTING

The Smarter Balanced assessments are an academic check-up, designed to give teachers the feedback they need to improve instruction. The tests measure critical thinking, analytical writing, problem solving, and subject area knowledge, providing teachers with multiple sources of actionable information about student strengths and areas where students need additional support. Parents will receive a report of their child's scores. But no student, parent or teacher should be discouraged by these scores, which will not be used to determine whether a student moves on to the next grade. Rather, the scores will represent an opportunity to focus on the needs of students and support teachers and schools in their work to achieve college and career readiness. In some rare cases, student participation in such assessments may not be advisable and parents may opt out of participating in CAASPP in writing to their school site principal.

High School Graduation Requirements AR 6146.1

Instruction

The Governing Board provides opportunities to support all students to obtain a diploma of high school graduation that prepares them for success in postsecondary education, the workplace and as productive citizens. To support and apply to the graduating class of 2017 forward, multiple pathways to graduation have been established to support students with various needs or circumstances that include:

- At our comprehensive high schools or through individual educational plans, a rigorous curriculum meeting the University of California and California State University (CSU) system A-G requirements with additional elective courses to broaden development of the whole student including the Arts, Career Technical Education, and promoting multilingualism, 220 credits

- At our alternative high school or through individual educational plans, pathways to meet:
    - UC/CSU A-G requirements in alignment with the comprehensive high school requirements. 220 credits.
    - A 220-credit high school diploma with less specific requirements in the areas of the Arts, CTE, and world language required than the A-G pathway.
    - A 180-credit diploma that exceeds all minimum state graduation requirements
- At our Adult School
    - An Adult High School diploma, 140 credits AB
    - California High School Equivalency Certificates by examination.

- At any high school site
    - Individual adjustments may be made by the Principal or Principal's designee to a student's program that are based on extraordinary circumstances. Such adjustments must meet specific and compelling student personal and educational needs for those who can demonstrate a lack of access or need for accommodation beyond the student's control. Such students may be students with disabilities, English learners, foster, homeless, children of active-duty military, migrant students, newly arrived immigrants or students who may move into the district during high school from districts with different graduation requirements. Waivers to subject or A-G requirements may be considered. Such waivers may not reduce the total number of credits required for a pathway and may not be used as a remedy to availability of courses or scheduling issues, nor may they waive California State minimum subject area requirements. Such students have the option to pursue a regular diploma during a fifth year.

- Students qualifying under AB 216/167 or AB 1806 and pursuant to provisions of Education Code 51225 regarding Foster, Homeless, migrant, or children of active U.S. military students who are transferred during their Junior or Senior years without a reasonable opportunity of meeting the regular graduation requirements within 4 total years of high school may be awarded a diploma if they meet the California State minimum requirements for coursework and 130 credits.

Graduation Requirements, Comprehensive High School:

College and Career Readiness Pathway: Students shall complete at least 220 credits including the following UC A-G list approved course credits in grades 9-12 Note: **All class must be passed with a C- or better for a UC or CSU to count it for UC/CSU college readiness and for the student to be considered an A-G completer.**

1. 40 English credits
2. 30 Social Studies credits including:

    * 10 World History

    * 10 United States History

    * 5 Civics

    * 5 Economics

3. 30 Mathematics credits--at least one mathematics course shall meet or exceed Integrated Math 1

    or the state academic content standards for Algebra I. Students may complete the graduation requirement with 20 math credits earned during grades 9-12 including the successful completion of Integrated Math II and Integrated Math III contingent on successful completion of Math 8 before grade 9 (Education Code 51224.5) In such case the student's elective requirement will increase by ten (10) credits.

4. 20/30 Science Credits including:

    Applying to graduates through the class of 2020: 20 Science credits including:

    * 10 Physical Science

* 10 Life Science

Applying to the graduating class of 2021 forward: 30 Science credits including

* 10 Biology in the Living Earth

* 10 Chemistry in the Earth System

* 10 Physics in the Universe or AP Physics

5. 20 Physical Education Credits: May include up to 5 credits per year for successful completion of

   the PE/Marching Band Course earned during the 2019-20 and 2020-21 school years pilot program for students in grades 10-12 who have successfully completed PE-9 and have passed 5 of 6 domains of the California Fitness Exam.

6. 10 World Language credits that meet or exceed year 2 level of a World Language (not English),

   or American Sign Language taken at any grade 9-12. Students who demonstrate equivalent UC/CSU proficiency by exam or transcript evaluation may waive this requirement. In such case the student's elective requirement will be increased by ten (10) credits.

7. 10 credits taken in Visual and Performing Arts. VPA courses also qualifying as CTE may satisfy

   requirements 7 and 8, although the credits will only count once in the total.

8. 10 credits taken in Career and Technical Education

9. 50 additional A-G or applied arts electives of the student's choice up through the class of 2020

   40 additional A-G or applied arts electives of the student's choice for the class of 2021 forward

Graduation Requirements, Alternative High School Pathways or Individual Educational Plan Pathways:

College and Career Readiness Pathway: Students may complete the comprehensive high school A-G coursework listed above.

High School Diploma Pathway: Students may complete 220 credits including the following accredited but non-A-G approved course work:

1. 40 English credits

2. 30 Social Studies credits including:

   * 10 World History

   * 10 United States History

   * 5 Civics

   * 5 Economics

3. 30 Mathematics credits--at least one mathematics course shall meet or exceed Integrated Math 1

   or the state academic content standards for Algebra I.

4. 20 Science credits including:

* 10 Physical Science

* 10 Life Science

5. 20 Physical Education Credits

6. 20 Credits that are a combination of any two of these areas -

Applied Arts, Visual and Performing Arts, or World Language (may include American sign language). Dual-listed courses may only be applied to a single requirement.

7. 10 credits taken in Career and Technical Education

8. 50 additional A-G or applied arts electives of the student's choice

Transitional High School Pathway: Students may document post graduate plans and complete at least 180 credits including the following courses by grade 12:

1. 40 English credits

2. 30 Social Studies credits including:

* 10 World History

* 10 United States History

* 5 Civics

* 5 Economics

3. 30 Mathematics credits--at least one mathematics course shall meet or exceed Integrated Math 1

or the state academic content standards for Algebra I.

4. 20 Science credits including:

* 10 Physical Science

* 10 Life Science

5. 20 Physical Education credits

6. 10 credits either Visual and Performing Arts World Language or Career Technical Education.

7. 30 Additional credits of the student's choice

8. To qualify for this option, students must have the approval of the site Principal who may consider:

- Documented post-graduation plan which may include:
  - Full time employment.
  - Enrollment into a Junior College, vocational training program, internship, or apprenticeship.
  - Induction into the Armed Services.
  - Primary care provider for a child or elder.

- Plan determined suitable for the student through the individual educational plan

- Maintaining at least 85% attendance and staying on track for 4-year graduation.

Graduation Requirements: Community Adult School:

Students shall complete at least 140 credits including the following courses:

1. 30 English credits
2. 30 Social Studies credits including:
    * 10 World History
    * 10 United States History
    * 5 Civics
    * 5 Economics
3. 20 Mathematics credits--at least one mathematics course shall meet or exceed Integrated Math 1 or the state academic content standards for Algebra I.
4. 20 Science credits including:
    * 10 Physical Science
    * 10 Life Science
5. 10 credits either Visual and Performing Arts or World Language or Career Technical Education.
6. 30 additional elective credits which must include Financial Literacy (5), Work Readiness (5), and Digital Literacy (5).

Graduation Requirements: California State minimum requirements. Reference only.

1. 30 English credits
2. 30 Social Studies credits including:
    * 10 World History
    * 10 United States History
    * 5 Civics
    * 5 Economics
3. 20 Mathematics credits--at least one mathematics course shall meet or exceed Integrated Math 1
4. 20 Science credits including:
    * 10 Physical Science

* 10 Life Science

5. 20 Physical Education credits
6. 10 credits in Visual or Performing Arts or Foreign Language

Student Class Designation

Students earn 5 units of credit per semester course passed or up to 2.5 credits per course each six-week grading period at Central Continuation High School. Student's class designation will be based upon earned credits:

1. 0-39 earned credits - Freshman
2. 40-99 earned credits - Sophomore
3. 100-159 earned credits - Junior
4. 160-completion - Senior

Course Load

All 9th, 10th, and 11th grade students at the comprehensive high schools are required to take 6 classes each semester. All 12th grade students at the comprehensive high schools are required to take a minimum of 5 classes each semester. Students are encouraged to exceed graduation requirements and to earn the full 240 credits available to them.

Alternative Means of Meeting Course Requirements

Because the prescribed course of study may not accommodate the needs of some students, the Board shall provide alternative means for the completion of prescribed courses in accordance with law.

Supplemental Methods of Earning Credit for Graduation

In addition to credits earned through attendance at district schools, full credit may be accepted (with principal approval) for comparable work successfully completed through the following:

1. Courses offered by other public high schools;
2. Accredited digital curriculums that have been locally adopted.
3. Courses taken at summer school.
4. Courses offered by accredited private high schools;
5. Concurrent enrollment in community college or accredited college or university as provided for in the Education Code (Dual credit may be awarded);
6. Courses offered by Career Technical Education centers or programs;
7. University of California high school correspondence courses;
8. Courses offered by an accredited adult school; and/or
9. Courses offered through the district's Independent Study program.

The Board shall grant to a pupil for the satisfactory completion of work experience education established under Education Code 51760 credit in an amount not to exceed a total of 40 semester credits made up of one or a combination of two or more of the following types:

1. For Exploratory Work Experience Education: 10 credits for each semester, with a maximum of 20 credits earned in two semesters.
2. For General Work Experience Education: 10 credits for each semester with a maximum of 40 credits.
3. For Vocational Work Experience Education: 10 credits for each semester with a maximum of 40 credits.

Graduation requirements under AB 216/167 or AB 1806 and Education code 51225 et.seq.

Foster youth, homeless students, migrant students, newly arrived immigrant students or children of U.S. military active-duty parents who transfer between schools after their second year of high school will be awarded a diploma if they meet the State graduation requirements and if their circumstances render them unable to meet the local graduation requirements during their fourth year. Students will also have the option to finish during a fifth year if reasonably able to do so. Students graduating under this provision must be advised of the potential negative impact on qualifying for college admission of reduced credit or non-UC/CSU A-G diploma pathways.

Exemption from physical education graduation requirement:

Enrollment in physical education is required in grade 9. An additional 10 units is required in grades 10-12. Additional physical education courses may be taken for elective credit in grades 10-12.

The Principal or designee may permanently waive physical education requirements for students who are:

1. Sixteen years of age or older and have been enrolled in the 10th grade for one academic year or longer.
2. Enrolled as a postgraduate pupil.
3. Enrolled in a juvenile home, ranch, camp, or forestry camp where pupils are scheduled for recreation and exercise pursuant to the requirements of section 4346 of Title 15 of the *California Code of Regulations*." (*EC* Section 51241 [c][1][2][3]

The Principal or designee may exempt from the physical education requirement for two years any time during grades ten to twelve if the following criteria are met: (1) the student consents to the exemption; and (2) the student has met satisfactorily any five of six standards of the physical performance test administered in grade nine pursuant to *EC* Section 60800 (the FITNESSGRAM®). A student has satisfactorily met the standards of the FITNESSGRAM® if the student performs within the Healthy Fitness Zone (HFZ) on tests in five of the six areas.

Issuance of Diplomas

Students will receive a diploma from the district school in which they were last regularly enrolled and attending classes.

Students must complete all graduation requirements in order to participate in graduation exercises or receive a diploma. Students who do not meet all requirements after eight full semesters (grades 9-12) may complete their high school graduation requirements and once completed receive a diploma from the last regular school of attendance by:

1. Enrollment in summer school immediately following the student's eighth semester
2. Enrollment as a fifth-year student if less than 18 years of age at the time of enrollment, or if enrollment is in the semester which follows the student's eighth semester; or
3. Completion of coursework that is equivalent to that not completed at the high school by enrolling in and receiving credits from:

    * A community college,
    * An accredited adult school,
    * An accredited private school,
    * Another public high school, and/or
    * University of California high school correspondence or online courses.

Honorary Recognition for Foreign Exchange Students:

Honorary Recognition may be given to senior foreign exchange students who meet the following criteria:

1. A transcript analysis that indicates similar progress to the requirements for the Morgan Hill Unified School District.
2. Have enrolled full time and successfully completed two consecutive semesters of their senior year including all core courses: English, Math, Science, Civics and Economics as well as US History taken either as an elective or as an additional online course.
3. Have maintained a minimum of a 2.0 GPA with no failing grades.
4. Have maintained 95% attendance
5. Have a positive discipline record of compliance with the rules and expectations of the code of conduct with no out of school suspensions.

Students who are approved by the principal for meeting the above may participate in all graduation activities with their peer group. This includes participation in the graduation ceremony where students may receive a certificate of participation in the foreign exchange program that recognizes their successful participation in the program. The certificate is not recognized as a diploma and must be visibly different from an official diploma.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**

adopted: October 1, 2019 Morgan Hill, California

HIGH SCHOOL GRADUATION REQUIREMENTS BP 6146.1

The Governing Board desires to prepare all students to obtain a high school diploma so that they can take advantage of opportunities for postsecondary education and employment.

Course Requirements

Education Code 51225.3 specifies the courses that a student is required to complete in order to graduate from high school Pursuant to Education Code 66204, each district that maintains a high school also is required to develop a process for submitting courses to the University of California to ensure that they align with the "a-g" course requirements for college admission.

To obtain a high school diploma in the State of California, students must complete at least the following courses in grades 9-12, with each course being one year unless otherwise specified. All graduation pathways in the Morgan Hill Unified School District meet or exceed this requirement, please see Administrative Regulation 6146.1 for specific pathway requirements:

1. Three courses in English *(Education Code 51225.3)*

   All graduation pathways in the Morgan Hill Unified School District meet or exceed this requirement, please see Administrative Regulation 6146.1 for all specific pathway requirements.

2. Two courses in mathematics *(Education Code 51225.3)*

   At least one mathematics course, or a combination of the two mathematics courses, shall meet or exceed state academic content standards. Completion of such coursework prior to grade 9 shall satisfy Integrated Mathematics I requirement, but shall not exempt a student from the requirement to complete two mathematics courses in grades 9-12. (*Education Code 51224.5)*

   All graduation pathways in the Morgan Hill Unified School District meet or exceed this requirement, please see Administrative Regulation 6146.1 for all specific pathway requirements.

   Students may be awarded up to one mathematics course credit for successful completion of an approved computer science course that is classified as a "category c" course based on the "a-g" course requirements for college admission. (*Education Code 51225.3, 51225.35)*
3. Two courses in science, including biological and physical sciences *(Education Code 51225.3)*

   All graduation pathways in the Morgan Hill Unified School District meet or exceed this requirement, please see Administrative Regulation 6146.1 for all specific pathway requirements.

4. Three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics *(Education Code 51225.3)*

   All graduation pathways in the Morgan Hill Unified School District meet or exceed this requirement, please see Administrative Regulation 6146.1 for all specific pathway requirements.

5. One course in visual or performing arts; foreign language, including American Sign Language; or career technical education (CTE) (*Education Code 51225.3)*

   To be counted towards meeting graduation requirements, a CTE course shall be aligned to the CTE model curriculum standards and framework adopted by the State Board of Education.

   All graduation pathways in the Morgan Hill Unified School District meet or exceed this requirement, please see Administrative Regulation 6146.1 for all specific pathway requirements.

6. Two courses in physical education, unless the student has been otherwise exempted pursuant to other sections of the Education Code (*Education Code 51225.3)*

All graduation pathways in the Morgan Hill Unified School District meet or exceed this requirement, please see Administrative Regulation 6146.1 for all specific pathway requirements.

Because the prescribed course of study may not accommodate the needs of some students, the Board shall provide alternative means for the completion of prescribed courses in accordance with law. All graduation pathways in the Morgan Hill Unified School District meet or exceed this requirement, please see Administrative Regulation 6146.1 for all specific pathway requirements.

Exemptions and Waivers

A foster youth, homeless student, former juvenile court school student, child of a military family, migrant student, or newly arrived immigrant student participating in a newcomer program who transfers into the district any time after completing the second year of high school shall be required to complete all graduation requirements specified in Education Code 51225.3 but shall be exempt from any additional district-adopted graduation requirements, unless the Superintendent or designee makes a finding that the student is reasonably able to complete the requirements in time to graduate by the end of the fourth year of high school. Within 30 days of the transfer, any such student shall be notified of the availability of the exemption and whether the student qualifies for it. *(Education Code 51225.1)*

Retroactive Diplomas

Any student who completed grade 12 in the 2003-04 through 2014-15 school year and met all applicable graduation requirements other than the passage of the high school exit examination shall be granted a high school diploma. (*Education Code 51413)*

In addition, the district may retroactively grant high school diplomas to: (Education Code 48204.4, 51430, 51440)

1. Persons who departed California against their will while in grade 12 and did not receive a diploma because the departure interrupted their education, provided that they were in good academic standing at the time of the departure

   Persons may be considered to have departed California against their will if they were in custody of a government agency and were transferred to another state, were subject to a lawful order from a court or government agency that authorized their removal from California, were subject to a lawful order and were permitted to depart California before being removed from California pursuant to the lawful order, were removed or were permitted to depart voluntarily pursuant to the federal Immigration and Nationality Act, or departed due to other circumstances determined by the district that are consistent with the purposes of Education Code 48204.4.

   In determining whether to award a diploma under these circumstances, the Superintendent or designee shall consider any coursework that may have been completed outside of the United States or through online or virtual courses.

2. Former students who were interned by order of the federal government during World War II or who are honorably discharged veterans of World War II, the Korean War, or the Vietnam War,

provided that they were enrolled in a district school immediately preceding the internment or military service and did not receive a diploma because their education was interrupted due to the internment or military service in those wars

Deceased former students who satisfied these conditions may be granted a retroactive diploma to be received by their next of kin.

3. Veterans who entered the military service of the United States while in grade 12 and who had satisfactorily completed the first half of the work required for grade 12 in a district school

Honorary Diplomas

The Board may grant honorary high school diplomas to: *(Education Code 51225.5)*

1. An international exchange student who has not completed the course of study ordinarily required for graduation, and who is returning to the home country following the completion of one academic school year in the district
2. A student who is terminally ill

The honorary diploma shall be clearly distinguishable from the regular diploma of graduation awarded by the district. (*Education Code 51225.5)*

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: October 1, 2019 Morgan Hill, California

HIGH SCHOOL GRADUATION REQUIREMENTS AR 6146.1

The Governing Board provides opportunities to support all students to obtain a diploma of high school graduation that prepares them for success in postsecondary education, the workplace and as productive citizens. To support and apply to the graduating class of 2017 forward, multiple pathways to graduation have been established to support students with various needs or circumstances that include:

At our comprehensive high schools or through individual educational plans, a rigorous curriculum meeting the University of California and California State University (CSU) system A-G requirements with additional elective courses to broaden development of the whole student including the Arts, Career Technical Education, and promoting multilingualism, 220 credits

- At our alternative high school or through individual educational plans, pathways to meet:
    - UC/CSU A-G requirements in alignment with the comprehensive high school requirements. 220 credits.
    - A 220-credit high school diploma with less specific requirements in the areas of the Arts, CTE, and world language required than the A-G pathway.
    - A 180-credit diploma that exceeds all minimum state graduation requirements

- At our Adult School
    - An Adult High School diploma, 140 credits AB
    - California High School Equivalency Certificates by examination.

- At any high school site
    - Individual adjustments may be made by the Principal or Principal's designee to a student's program that are based on extraordinary circumstances. Such adjustments must meet specific and compelling student personal and educational needs for those who can demonstrate a lack of access or need for accommodation beyond the student's control. Such students may be students with disabilities, English learners, foster, homeless, children of active-duty military, migrant students, newly arrived immigrants or students who may move into the district during high school from districts with different graduation requirements. Waivers to subject or A-G requirements may be considered. Such waivers may not reduce the total number of credits required for a pathway and may not be used as a remedy to availability of courses or scheduling issues, nor may they waive California State minimum subject area requirements. Such students have the option to pursue a regular diploma during a fifth year.

- Students qualifying under AB 216/167 or AB 1806 and pursuant to provisions of Education Code 51225 regarding Foster, Homeless, migrant, or children of active U.S. military students who are transferred during their Junior or Senior years without a reasonable opportunity of meeting the regular graduation requirements within 4 total years of high school may be awarded a diploma if they meet the California State minimum requirements for coursework and 130 credits.

Graduation Requirements, Comprehensive High School:

College and Career Readiness Pathway: Students shall complete at least 220 credits including the following UC A-G list approved course credits in grades 9-12 Note: **All class must be passed with a C- or better for a UC or CSU to count it for UC/CSU college readiness and for the student to be considered an A-G completer.**

1. 40 English credits
2. 30 Social Studies credits including:
    * 10 World History
    * 10 United States History
    * 5 Civics
    * 5 Economics
3. 30 Mathematics credits--at least one mathematics course shall meet or exceed Integrated Math 1 or the state academic content standards for Algebra I. Students may complete the graduation requirement with 20 math credits earned during grades 9-12 including the successful completion of Integrated Math II and Integrated Math III contingent on successful completion of Math 8 before grade 9 (Education Code 51224.5) In such case the student's elective requirement will increase by ten (10) credits.
4. 20/30 Science Credits including:
    Applying to graduates through the class of 2020: 20 Science credits including:
    * 10 Physical Science
    * 10 Life Science

    Applying to the graduating class of 2021 forward: 30 Science credits including
    * 10 Biology in the Living Earth
    * 10 Chemistry in the Earth System
    * 10 Physics in the Universe or AP Physics
5. 20 Physical Education Credits: May include up to 5 credits per year for successful completion of
    the PE/Marching Band Course earned during the 2019-20 and 2020-21 school years pilot

program for students in grades 10-12 who have successfully completed PE-9 and have passed 5 of 6 domains of the California Fitness Exam. .

6. 10 World Language credits that meet or exceed year 2 level of a World Language (not English), or American Sign Language taken at any grade 9-12. Students who demonstrate equivalent UC/CSU proficiency by exam or transcript evaluation may waive this requirement. In such case the student's elective requirement will be increased by ten (10) credits.
7. 10 credits taken in Visual and Performing Arts. VPA courses also qualifying as CTE may satisfy requirements 7 and 8, although the credits will only count once in the total.
8. 10 credits taken in Career and Technical Education
9. 50 additional A-G or applied arts electives of the student's choice up through the class of 2020
   40 additional A-G or applied arts electives of the student's choice for the class of 2021 forward

Graduation Requirements, Alternative High School Pathways or Individual Educational Plan Pathways:

College and Career Readiness Pathway: Students may complete the comprehensive high school A-G coursework listed above.

High School Diploma Pathway: Students may complete 220 credits including the following accredited but non-A-G approved course work:

1. 40 English credits
2. 30 Social Studies credits including:
   * 10 World History
   * 10 United States History
   * 5 Civics
   * 5 Economics
3. 30 Mathematics credits--at least one mathematics course shall meet or exceed Integrated Math 1 or the state academic content standards for Algebra I.
4. 20 Science credits including:
   * 10 Physical Science
   * 10 Life Science
5. 20 Physical Education Credits
6. 20 Credits that are a combination of any two of these areas -
   Applied Arts, Visual and Performing Arts, or World Language (may include American sign language). Dual-listed courses may only be applied to a single requirement.
7. 10 credits taken in Career and Technical Education
8. 50 additional A-G or applied arts electives of the student's choice

Transitional High School Pathway: Students may document post graduate plans and complete at least 180 credits including the following courses by grade 12:

1. 40 English credits
2. 30 Social Studies credits including:
   * 10 World History
   * 10 United States History
   * 5 Civics
   * 5 Economics
3. 30 Mathematics credits--at least one mathematics course shall meet or exceed Integrated Math 1

or the state academic content standards for Algebra I.

4. 20 Science credits including:
   * 10 Physical Science
   * 10 Life Science
5. 20 Physical Education credits
6. 10 credits either Visual and Performing Arts World Language or Career Technical Education.
7. 30 Additional credits of the student's choice
8. To qualify for this option, students must have the approval of the site Principal who may consider:
   - Documented post-graduation plan which may include:
     - Full time employment.
     - Enrollment into a Junior College, vocational training program, internship, or apprenticeship.
     - Induction into the Armed Services.
     - Primary care provider for a child or elder.
     - Plan determined suitable for the student through the individual educational plan
   - Maintaining at least 85% attendance and staying on track for 4-year graduation.

Graduation Requirements: Community Adult School:

Students shall complete at least 140 credits including the following courses:

1. 30 English credits
2. 30 Social Studies credits including:
   * 10 World History
   * 10 United States History
   * 5 Civics
   * 5 Economics
3. 20 Mathematics credits--at least one mathematics course shall meet or exceed Integrated Math 1 or the state academic content standards for Algebra I.
4. 20 Science credits including:
   * 10 Physical Science
   * 10 Life Science
5. 10 credits either Visual and Performing Arts or World Language or Career Technical Education.
6. 30 additional elective credits which must include Financial Literacy (5), Work Readiness (5), and Digital Literacy (5).

Graduation Requirements: California State minimum requirements. Reference only.

1. 30 English credits
2. 30 Social Studies credits including:
   * 10 World History
   * 10 United States History
   * 5 Civics
   * 5 Economics
3. 20 Mathematics credits--at least one mathematics course shall meet or exceed Integrated Math 1 or the state academic content standards for Algebra I.
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* 10 Life Science
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Students earn 5 units of credit per semester course passed or up to 2.5 credits per course each six-week grading period at Central Continuation High School. Student's class designation will be based upon earned credits:

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All 9th, 10th, and 11th grade students at the comprehensive high schools are required to take 6 classes each semester. All 12th grade students at the comprehensive high schools are required to take a minimum of 5 classes each semester. Students are encouraged to exceed graduation requirements and to earn the full 240 credits available to them.

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Because the prescribed course of study may not accommodate the needs of some students, the Board shall provide alternative means for the completion of prescribed courses in accordance with law.

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In addition to credits earned through attendance at district schools, full credit may be accepted (with principal approval) for comparable work successfully completed through the following:

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9. Courses offered through the district's Independent Study program.

The Board shall grant to a pupil for the satisfactory completion of work experience education established under Education Code 51760 credit in an amount not to exceed a total of 40 semester credits made up of one or a combination of two or more of the following types:

1. For Exploratory Work Experience Education: 10 credits for each semester, with a maximum of 20 credits earned in two semesters.
2. For General Work Experience Education: 10 credits for each semester with a maximum of 40 credits.
3. For Vocational Work Experience Education: 10 credits for each semester with a maximum of 40 credits.

Graduation requirements under AB 216/167 or AB 1806 and Education code 51225 et.seq.

Foster youth, homeless students, migrant students, newly arrived immigrant students or children of U.S. military active-duty parents who transfer between schools after their second year of high school will be awarded a diploma if they meet the State graduation requirements and if their circumstances render them unable to meet the local graduation requirements during their fourth year. Students will also have the option to finish during a fifth year if reasonably able to do so. Students graduating under this provision must be advised of the potential negative impact on qualifying for college admission of reduced credit or non-UC/CSU A-G diploma pathways.

Exemption from physical education graduation requirement:

Enrollment in physical education is required in grade 9. An additional 10 units is required in grades 10-12. Additional physical education courses may be taken for elective credit in grades 10-12.
The principal or designee may permanently waive physical education requirements for students who are:

1. Sixteen years of age or older and have been enrolled in the 10th grade for one academic year or longer.
2. Enrolled as a postgraduate pupil.
3. Enrolled in a juvenile home, ranch, camp, or forestry camp where pupils are scheduled for recreation and exercise pursuant to the requirements of section 4346 of Title 15 of the *California Code of Regulations*." (*EC* Section 51241 [c][1][2][3]

The principal or designee may exempt from the physical education requirement for two years any time during grades ten to twelve if the following criteria are met: (1) the student consents to the exemption; and (2) the student has met satisfactorily any five of six standards of the physical performance test administered in grade nine pursuant to *EC* Section 60800 (the FITNESSGRAM®). A student has satisfactorily met the standards of the FITNESSGRAM® if the student performs within the Healthy Fitness Zone (HFZ) on tests in five of the six areas.

Issuance of Diplomas
Students will receive a diploma from the district school in which they were last regularly enrolled and attending classes.

Students must complete all graduation requirements in order to participate in graduation exercises or receive a diploma. Students who do not meet all requirements after eight full semesters (grades 9-12) may complete their high school graduation requirements and once completed receive a diploma from the last regular school of attendance by:

1. Enrollment in summer school immediately following the student's eighth semester
2. Enrollment as a fifth-year student if less than 18 years of age at the time of enrollment, or if enrollment is in the semester which follows the student's eighth semester; or
3. Completion of coursework that is equivalent to that not completed at the high school by enrolling in and receiving credits from:
    * a community college,
    * An accredited adult school,
    * An accredited private school,

* Another public high school, and/or
* University of California high school correspondence or online courses.

Honorary Recognition for Foreign Exchange Students:
Honorary Recognition may be given to senior foreign exchange students who meet the following criteria:

1. A transcript analysis that indicates similar progress to the requirements for the Morgan Hill Unified School District.
2. Have enrolled full time and successfully completed two consecutive semesters of their senior year including all core courses: English, Math, Science, Civics and Economics as well as US History taken either as an elective or as an additional online course.
3. Have maintained a minimum of a 2.0 GPA with no failing grades.
4. Have maintained 95% attendance
5. Have a positive discipline record of compliance with the rules and expectations of the code of conduct with no out of school suspensions.

Students who are approved by the principal for meeting the above may participate in all graduation activities with their peer group. This includes participation in the graduation ceremony where students may receive a certificate of participation in the foreign exchange program that recognizes their successful participation in the program. The certificate is not recognized as a diploma and must be visibly different from an official diploma.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: October 1, 2019 Morgan Hill, California

Instruction BP 6146.4

DIFFERENTIAL GRADUATION AND COMPETENCY STANDARDS FOR STUDENTS WITH DISABILITIES

The Governing Board recognizes that students with disabilities are entitled to a course of study that provides them with a free appropriate public education (FAPE) and that modifications to the district's regular course may be needed on an individualized basis to provide FAPE. In accordance with law, each student's individualized education program (IEP) team shall determine the appropriate goals, as well as any appropriate individual accommodations necessary for measuring the academic achievement and functional performance of the student on state and districtwide assessments.

Certificate of Educational Achievement or Completion

Instead of a high school diploma, a student with disabilities may be awarded a certificate or document of educational achievement or completion if the student has met one of the following requirements: *(Education Code 56390)*

1. Satisfactorily completed a prescribed alternative course of study approved by the board of the district in which the student attended school or the district with jurisdiction over the student as identified in his/her IEP
2. Satisfactorily met his/her IEP goals and objectives during high school as determined by the IEP team
3. Satisfactorily attended high school, participated in the instruction as prescribed in his/her IEP, and met the objectives of the statement of transition services

A student with disabilities who meets any of the criteria specified above shall be eligible to participate in any graduation ceremony and any school activity related to graduation in which a graduating student of similar age without disabilities would be eligible to participate. *(Education Code 56391)*

Policy adopted: November 13, 2012

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Home And Hospital Instruction AR 6183

A student with a temporary disability which makes school attendance impossible or inadvisable shall be entitled to receive individual instruction at home or in a hospital or other residential health facility, excluding state hospitals. (Education Code 48206.3)

Temporary disability means a physical, mental, or emotional disability incurred while a student is enrolled in regular day classes or an alternative education program, and after which the student can reasonably be expected to return to regular day classes or the alternative education program in which the student is enrolled. Temporary disability does not include a disability that would qualify a student for special education pursuant to Education Code 56026. (Education Code 48206.3)

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians of district students regarding: (Education Code 48206.3, 48208, 48980)

1. The availability of individual instruction for any student with a temporary disability, including information regarding student eligibility for, and the duration of, individual instruction

2. The rights and responsibilities of parents/guardians of any student with a temporary disability pursuant to Education Code 48207 and 48208

Parents/guardians shall notify the principal or designee when their child is temporarily disabled and needs individual instruction at home or in a hospital or other residential health facility.

Determination of Student Eligibility

Not later than five working days after receiving notification from a parent/guardian that a student has a temporary disability, the Superintendent or designee shall determine whether the student will be able to receive individual instruction at home or in a hospital or residential health facility. (Education Code 48208)

The Superintendent or designee may require verification through any reasonable means that the student is temporarily disabled and needs individual instruction.

Provision of Individual Instruction

Individual instruction at a student's home or in a hospital or other residential health facility shall begin no later than five working days after the Superintendent or designee makes the determination that the student is eligible to receive individual instruction. (Education Code 48207.5, 48208)

The district shall be responsible for providing individual instruction to any temporarily disabled student

who is in a hospital or other residential health facility located within district boundaries, whether or not the student is enrolled in the district. If the student is enrolled in another district, the Superintendent or designee may enter into an agreement to have the student's district of residence provide the individual instruction. The Superintendent or designee may also enter into an agreement to provide individual instruction to a district student who is in a hospital or other residential health facility located within the boundaries of another district. (Education Code 48208)

Whenever the district provides individual instruction to a non-district student who is in a hospital or other residential health facility located within district boundaries, the Superintendent or designee shall, within five working days of the beginning of the individual instruction, provide written notification to the student's district of residence that, effective on the date on which individual instruction began, the district of residence may not count the student for purposes of computing that district's average daily attendance. (Education Code 48208)

A student receiving individual instruction in a hospital or residential health facility for a partial week shall be entitled to attend school or receive individual instruction at home on days in which the student is not receiving individual instruction in the hospital or other residential health facility, if the student is well enough to do so. (Education Code 48207.3)

Home or hospital instruction shall be provided only by teachers with valid California teaching credentials who consent to the assignment. (Education Code 44865)

Insofar as possible, the teacher providing home or hospital instruction may either consult with the student's current classroom teacher(s), counseling office, or Educational Services Department to review course outlines or pacing guides so as to provide a continuity of instruction that enables the student to stay abreast with the regular school program.

For purposes of instruction and attendance each clock hour of individual instruction shall count as one day of attendance. The total number of days of instruction credited shall not exceed five days per calendar week. However, more than one hour of instruction may be given in any one day thus reducing the number of days during the week for instruction. As an example, a home or hospital student may receive a five-day week's worth of instruction in two days (2 hours on Tuesday, 3 hours on Thursday).

The district's attendance supervisor shall ensure that the absences of any temporarily disabled student receiving individual instruction at home or in a hospital or other residential health facility are excused until the student is able to return to the regular school program. (Education Code 48240)

Return to School

A student receiving individual instruction who is well enough to return to school shall be allowed to return to the school that the student attended immediately before receiving individual instruction, if the return occurs during the school year in which the individual instruction was initiated. (Education Code 48207.3)

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: 06/12/2019 Morgan Hill, California

Education Code Section 48207. Pupils with temporary disabilities in hospitals outside of the school district; compliance with residency requirements:

(a) Notwithstanding Section 48200, a pupil with a temporary disability, who is in a hospital or other residential health facility, excluding a state hospital, located outside of the school district in which the pupil's parent or guardian resides, shall be deemed to have complied with the residency requirements for school attendance in the school district in which the hospital is located.

(b) Notwithstanding any other law, a school district or charter school may continue to enroll a pupil with a temporary disability who is receiving individual instruction in a hospital or other residential health facility in order to facilitate the timely reentry of the pupil in his or her prior school after the hospitalization has ended, or in order to provide a partial week of instruction to a pupil who is receiving individual instruction in a hospital or other residential health facility, for fewer than five days of instruction per week, or the equivalent, as described in subdivision (c) of Section 48206.3.

(c) (1) A pupil with a temporary disability who remains enrolled in a school district of residence or a charter school pursuant to subdivision (b) while also receiving individual instruction in a hospital or other 2 residential health facility may only be counted by the school district of residence or charter school for purposes of computing average daily attendance pursuant to Section 42238.05 for days on which the pupil is in attendance in that school district or charter school.

(2) A pupil with a temporary disability who remains enrolled in a school district of residence or a charter school pursuant to subdivision (b) while also receiving individual instruction in a hospital or other residential health facility may only be counted by the school district in which the hospital or other residential health facility is located for purposes of computing average daily attendance pursuant to Section 42238.05 for days on which the pupil is receiving individual instruction in a hospital or other residential health facility.

(d) The total attendance counted for purposes of computing average daily attendance pursuant to Section 42238.05 for a pupil with a temporary disability, including days of attendance in a hospital or other residential health facility, shall not exceed five days per week, or the equivalent, as described in subdivision (c) of Section 48206.3.

Education Code 48208. Presence of pupils with temporary disabilities in qualifying hospitals; notice by parents or guardians; commencement of individualized instruction:

(a) It shall be the primary responsibility of the parent or guardian of a pupil with a temporary disability to notify the school district in which the pupil is deemed to reside pursuant to Section 48207 of the pupil's presence in a qualifying hospital.

(b) Upon receipt of notification pursuant to subdivision (a), a school district shall do all of the following:

(1) Within five working days of receipt of the notification, determine whether the pupil will be able to receive individual instruction, and, if the determination is positive, when the individual instruction may commence. Individual instruction shall commence no later than five working days after a positive determination has been rendered.

(2) Provide the pupil with individual instruction pursuant to Section 48206.3. The school district may enter into an agreement with the school district in which the pupil previously attended regular day

classes or an alternative education program to have the school district the pupil previously attended provide the pupil with individual instruction pursuant to Section 48206.3.

(3) Within five working days of the commencement of individual instruction, provide the school district in which the pupil previously attended regular day classes or an alternative education program with written notice that the pupil shall not be counted by that school district for purposes of computing average daily attendance pursuant to Section 42238.05, effective the date on which individual instruction commenced, except as provided in Section 48207.

Homework/Makeup Work BP 6154

The Governing Board recognizes that homework contributes toward building responsibility, self-discipline and life-long learning habits, and that time spent on homework directly influences students' ability to meet the district's academic standards. The Board expects students, parents/guardians and staff to view homework as a routine and important part of students' daily lives.

The Superintendent or designee shall ensure that administrators and teachers develop and implement an effective homework plan at each school site. As needed, teachers may receive training in designing relevant, challenging and meaningful homework assignments that reinforce classroom learning objectives. Teachers' expectations related to homework may be addressed in their evaluations.

Although it is the student's responsibility to do most homework assignments independently, the Board expects teachers at all grade levels to use parents/guardians as a contributing resource. When students repeatedly fail to do their homework, parents/guardians shall be notified and asked to contact the teacher.

To further support students' homework efforts, the Superintendent or designee may establish and maintain telephone help lines and/or after-school centers where students can receive encouragement and clarification about homework assignments from teachers, volunteers and/or more advanced students who are performing community service. The Board encourages the Superintendent or designee to design class and transportation schedules that will enable students to make use of homework support services.

Makeup Work

Students who miss school work because of an excused absence shall be given the opportunity to complete all assignments and tests that can be reasonably provided. As determined by the teacher, the assignments and tests shall be reasonably equivalent to, but not necessarily identical to, the assignments and tests missed during the absence. Students shall receive full credit for work satisfactorily completed within a reasonable period of time. (Education Code 48205)

Students who miss school work because of unexcused absences may be given the opportunity to make up missed work for full or reduced credit. Teachers shall assign such makeup work as necessary to ensure academic progress, not as a punitive measure.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: 11/12/2012 Morgan Hill, California

INTRADISTRICT OPEN ENROLLMENT BP 5116.1

The Governing Board desires to provide enrollment options that meet the diverse needs and interests of district students and parents/guardians, while also maximizing the efficient use of district facilities and resources. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy, and administrative regulation.

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of their residence within the district. *(Education Code 35160.5)*

The Board shall annually review this policy.

Enrollment Priorities

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area.

The Superintendent or designee may grant priority for the enrollment of a student in a district school outside of the student's attendance area, if the student:

1. Is enrolled in a district school designated by the California Department of Education (CDE) as "persistently dangerous"
2. Is a victim of a violent crime while on school grounds
3. Is a victim of an act of bullying committed by another district student, as determined through an investigation following the parent/guardian's submission of a written complaint with the school, district, or local law enforcement agency pursuant to Education Code 234.1

   If the district school requested by the student is at maximum capacity, the Superintendent or designee may consider an intradistrict transfer request for another district school.

4. Is experiencing special circumstances that might be harmful or dangerous to the student in the current attendance area, including, but not limited to, threats of bodily harm or threats to the emotional stability of the student. Any such student may transfer to a district school that is at capacity and otherwise closed to transfers. To grant priority under these circumstances, the Superintendent or designee may consider the following:

   a. A written statement from a representative of an appropriate state or local agency, including, but not necessarily limited to, a law enforcement official or a social worker, or a properly licensed or registered professional, including, but not necessarily limited to, a psychiatrist, psychologist, marriage and family therapist, clinical social worker, or professional clinical counselor

b. A court order, including a temporary restraining order and injunction

5. Is a sibling of another student already attending that school

6. Has a parent/guardian whose primary place of employment is that school

Application and Selection Process

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law and Board policy, applications for intradistrict open enrollment shall be submitted during the posted annual open enrollment period.

The Superintendent or designee shall calculate each school's capacity in a nonarbitrary manner using student enrollment and available space.

Except for the enrollment priorities listed above, the Superintendent or designee shall use a random, unbiased selection process to determine which students shall be admitted whenever a district school receives admission requests that are in excess of the school's capacity. *(Education Code 35160.5)*

Enrollment decisions shall not be based on a student's academic or athletic performance. However, existing entrance criteria may be used for enrolling students in specialized schools or programs, provided that the criteria are uniformly applied to all applicants. In addition, academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students.

For additional information regarding the transfer request process, visit the Enrollment Center webpage: mhusd.org/enrollment.

Transportation

In general, the district shall not be obligated to provide transportation for students who attend school outside their attendance area.

However, upon parent/guardian request, the district shall provide transportation assistance to any student who is eligible for free or reduced-price meals and whose enrollment in a district school outside the student's attendance area is a result of being a victim of bullying. *(Education Code 46600)*

Policy adopted: November 17, 2020

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Students

INTRADISTRICT OPEN ENROLLMENT AR 5116.1

Transfers for Victims of a Violent Criminal Offense

Within a reasonable amount of time, not to exceed 14 days, after it has been determined that a student has been the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. In making the determination that a student has been a victim of a violent criminal offense, the Superintendent or designee shall consider the specific circumstances of the incident and consult with local law enforcement as appropriate. Examples of violent criminal offenses include, but are not limited to, attempted murder, battery with serious bodily injury, assault with a deadly weapon, rape, sexual battery, robbery, extortion, or hate crimes.

The Superintendent or designee shall consider the needs and preferences of the affected student and his/her parent/guardian in making the offer. If the parent/guardian elects to transfer his/her child, the transfer shall be completed as soon as practicable.

Transfers from a "Persistently Dangerous" School

Upon receipt of notification from the California Department of Education (CDE) that a district school has been designated as "persistently dangerous," the Superintendent or designee shall provide parents/guardians of students attending the school with the following notifications:

1. Within 10 days of receipt of the notification from CDE, notice of the school's designation
2. Within 20 days of receipt of the notification from CDE, notice of the option to transfer their child

Parents/guardians who desire to transfer their child out of a "persistently dangerous" school shall provide a written request to the Superintendent or designee and shall rank-order their preferences from among all schools identified by the Superintendent or designee as eligible to receive transfer students. The Superintendent or designee may establish a reasonable timeline, not to exceed seven school days, for the submission of parent/guardian requests.

The Superintendent or designee shall consider the needs and preferences of students and parents/guardians before making an assignment, but is not obligated to accept the parent/guardian's preference if the assignment is not feasible due to space constraints or other considerations. For students whose parents/guardians accept the offer, the transfer shall generally be made within 30 school days of receiving the notice of the school's designation from the CDE. If parents/guardians decline the assigned school, the student may remain in his/her current school.

The transfer shall remain in effect as long as the student's school of origin is identified as "persistently dangerous." The Superintendent or designee may choose to make the transfer permanent based on the educational needs of the student, parent/guardian preferences, and other factors affecting the student's ability to succeed if returned to the school of origin.

The Superintendent or designee shall cooperate with neighboring districts to develop an interdistrict transfer program in the event that space is not available in a district school.

Other Intradistrict Open Enrollment

Except for transfers for victims of a violent crime and from a "persistently dangerous school," the following procedures shall apply to intradistrict open enrollment:

1. The Superintendent or designee shall identify those schools which may have space available for additional students. A list of those schools and open enrollment applications shall be available at

each school site, the district office, and on the district's web site.

2. After the enrollment priorities have been applied in accordance with Board policy, if there are more requests for a particular school than there are spaces available, a random drawing shall be held from the applicant pool. A waiting list shall be established to indicate the order in which applicants may be accepted if openings occur during the year. Late applicants shall not be added to the waiting list for the current year but shall instead wait for a subsequent lottery.
3. The Superintendent or designee shall provide written notification to applicants as to whether their applications have been approved, denied, or placed on a waiting list. If the application is denied, the reasons for denial shall be stated.
4. Approved applicants must confirm their enrollment within 10 school days.

Any student who, prior to the 2016-17 school year, was granted a transfer out of a Title I school that had been identified for program improvement, shall be allowed to remain in the school of enrollment until he/she completes the highest grade offered at that school.

Once enrolled, a student shall not be required to reapply for readmission. However, the student may be subject to displacement due to excessive enrollment.

Any complaints regarding the open enrollment process shall be submitted in accordance with the applicable complaint procedure.

Notifications

Notifications shall be sent to parents/guardians at the beginning of each school year describing all current statutory attendance options and local attendance options available in the district. Such notification shall include: *(Education Code 35160.5, 48980)*

1. All options for meeting residency requirements for school attendance
2. Program options offered within local attendance areas
3. A description of any special program options available on both an interdistrict and intradistrict basis
4. A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied
5. A district application form for requesting a change of attendance
6. The explanation of attendance options under California law as provided by the CDE

ATTENDANCE POLICIES AND PROCEDURES

Attendance is critical to the academic success of all students. Appointments should be made for after school hours, whenever possible. If a student is absent, it is his/her responsibility to contact the Attendance Office to clear the absence and to contact teachers for class work missed.

Clearing Absences

All absences should be cleared the day of the absences or upon return to school. Absences can be cleared in the following manner:

- Parent phone call to Attendance Office
- Parent note to Attendance Office

*Please include the following information when clearing absences:

- First and last name of student
- Date(s) of absence

- Reason for absence
- Signature or Identification of parent and relation to student
- Doctor's note (if appropriate)

Education Code 35160.5 Intradistrict Transfers:

(a) The governing board of a school district that maintains one or more schools containing any of grades 7 to 12, inclusive, as a condition for the receipt of inflation adjustments pursuant to Section 42238.02, as implemented by Section 42238.03, shall establish a school district policy regarding participation in extracurricular and cocurricular activities by pupils in grades 7 to 12, inclusive. The criteria, which shall be applied to extracurricular and cocurricular activities, shall ensure that pupil participation is conditioned upon satisfactory educational progress in the previous grading period.

(1) For purposes of this subdivision, "extracurricular activity" means a program that has all of the following characteristics:

(A) The program is supervised or financed by the school district.

(B) Pupils participating in the program represent the school district.

(C) Pupils exercise some degree of freedom in either the selection, planning, or control of the program.

(D) The program includes both preparation for performance and performance before an audience or spectators.

(2) For purposes of this subdivision, an "extracurricular activity" is not part of the regular school curriculum, is not graded, does not offer credit, and does not take place during classroom time.

(3) For purposes of this subdivision, a "cocurricular activity" is defined as a program that may be associated with the curriculum in a regular classroom.

(4) A teacher-graded or required program or activity for a course that satisfies the entrance requirements for admission to the California State University or the University of California is not an extracurricular or cocurricular activity as defined by this section.

(5) For purposes of this subdivision, "satisfactory educational progress" shall include, but not necessarily be limited to, both of the following:

(A) Maintenance of minimum passing grades, which is defined as at least a 2.0 grade point average in all enrolled courses on a 4.0 scale.

(B) Maintenance of minimum progress toward meeting the high school graduation requirements prescribed by the governing board.

(6) For purposes of this subdivision, "previous grading period" does not include a grading period in which the pupil was not in attendance for all, or a majority of, the grading period due to absences excused by the school for reasons such as serious illness or injury, approved travel, or work. In that event, "previous grading period" means the grading period immediately before the grading period or periods excluded pursuant to this paragraph.

(7) A program that has, as its primary goal, the improvement of academic or educational achievements of pupils is not an extracurricular or cocurricular activity as defined by this section.

(8) (A) The governing board of each school district may adopt, as part of its policy established pursuant to this subdivision, provisions that would allow a pupil who does not achieve satisfactory educational progress, as defined in paragraph (5), in the previous grading period to remain eligible to participate in extracurricular and cocurricular activities during a probationary period. The probationary period shall not exceed one semester in length, but may be for a shorter period of time, as determined by the governing board of the school district. A pupil who does not achieve satisfactory educational progress, as defined in paragraph (5), during the probationary period shall not be allowed to participate in extracurricular and cocurricular activities in the subsequent grading period.

(B) Notwithstanding subparagraph (A), the governing board of each school district may adopt a policy that would allow a probationary period to exceed one semester in length through the completion of the 2020–21 school year due to the impact of COVID-19.

(9) This subdivision does not preclude the governing board of a school district from imposing a more stringent academic standard than that imposed by this subdivision. If the governing board of a school district imposes a more stringent academic standard, the governing board shall establish the criteria for participation in extracurricular and cocurricular activities at a meeting open to the public pursuant to Section 35145.

(10) The governing board of each school district annually shall review the school district policies adopted pursuant to the requirements of this section.

(b) (1) On or before July 1, 1994, the governing board of each school district, as a condition for the receipt of school apportionments from the State School Fund, shall adopt rules and regulations establishing a policy of open enrollment within the district for residents of the district. This requirement does not apply to a school district that has only one school or a school district with schools that do not serve any of the same grade levels.

(2) The policy shall include all of the following elements:

(A) It shall provide that the parent or guardian of each school age child who is a resident in the district may select the schools the child shall attend, irrespective of the particular locations of the child's residence within the district, except that school districts shall retain the authority to maintain appropriate racial and ethnic balances among their respective schools at the school districts' discretion or as specified in applicable court-ordered or voluntary desegregation plans.

(B) It shall include a selection policy for a school that receives requests for admission in excess of the capacity of the school that ensures that selection of pupils to enroll in the school is made through a random, unbiased process that prohibits an evaluation of whether a pupil should be enrolled based upon the pupil's academic or athletic performance. The governing board of a school district shall calculate the capacity of the schools in the district for purposes of this subdivision in a nonarbitrary manner using pupil enrollment and available space. However, school districts may employ existing entrance criteria for specialized schools or programs if the criteria are uniformly applied to all applicants. This subdivision shall not be construed to prohibit school districts from using academic performance to determine eligibility for, or placement in,

programs for gifted and talented pupils established pursuant to former Chapter 8 (commencing with Section 52200) of Part 28 of Division 4, as that chapter read on January 1, 2014.

(C) It shall provide that a pupil who currently resides in the attendance area of a school shall not be displaced by pupils transferring from outside the attendance area.

3) Notwithstanding the requirement of subparagraph (B) of paragraph (2) that the policy include a selection policy for a school that receives requests for admission in excess of the capacity of the school that ensures that the selection is made through a random, unbiased process, the policy may include either of the following elements:

(A) (i) It may provide that special circumstances exist that might be harmful or dangerous to a particular pupil in the current attendance area of the pupil, including, but not necessarily limited to, threats of bodily harm or threats to the emotional stability of the pupil, that serve as a basis for granting a priority of attendance outside the current attendance area of the pupil. A finding of harmful or dangerous special circumstances shall be based upon either of the following:

(I) A written statement from a representative of the appropriate state or local agency, including, but not necessarily limited to, a law enforcement official or a social worker, or properly licensed or registered professionals, including, but not necessarily limited to, psychiatrists, psychologists, marriage and family therapists, clinical social workers, or professional clinical counselors.

(II) A court order, including a temporary restraining order and injunction, issued by a judge.

(ii) A finding of harmful or dangerous special circumstances pursuant to this subparagraph may be used by a school district to approve transfers within the district to schools that have been deemed by the school district to be at capacity and otherwise closed to transfers that are not based on harmful or dangerous special circumstances.

(B) It may provide that schools receiving requests for admission shall give priority for attendance to siblings of pupils already in attendance in that school and to pupils whose parent or legal guardian is assigned to that school as their primary place of employment.

(4) To the extent required and financed by federal law and at the request of the pupil's parent or guardian, each school district shall provide transportation assistance to the pupil.

Education Code 48204: Parent Employment in Lieu of Residency Transfers:

a) Notwithstanding Section 48200, a pupil complies with the residency requirements for school attendance in a school district if he or she is any of the following:
(1) (A) A pupil placed within the boundaries of that school district in a regularly established licensed children's institution or a licensed foster home as defined in Section 56155.5, or a family home pursuant to a commitment or placement under Chapter 2 (commencing with Section 200) of Part 1 of Division 2 of the Welfare and Institutions Code.
(B) An agency placing a pupil in a home or institution described in subparagraph (A) shall provide evidence to the school that the placement or commitment is pursuant to law.
(2) A pupil who is a foster child who remains in his or her school of origin pursuant to subdivisions (f)

and (g) of Section 48853.5.
(3) A pupil for whom interdistrict attendance has been approved pursuant to Chapter 5 (commencing with Section 46600) of Part 26.
(4) A pupil whose residence is located within the boundaries of that school district and whose parent or legal guardian is relieved of responsibility, control, and authority through emancipation.
(5) A pupil who lives in the home of a caregiving adult that is located within the boundaries of that school district. Execution of an affidavit under penalty of perjury pursuant to Part 1.5 (commencing with Section 6550) of Division 11 of the Family Code by the caregiving adult is a sufficient basis for a determination that the pupil lives in the home of the caregiver, unless the school district determines from actual facts that the pupil is not living in the home of the caregiver.
(6) A pupil residing in a state hospital located within the boundaries of that school district.
(7) A pupil whose parent or legal guardian resides outside of the boundaries of that school district but is employed and lives with the pupil at the place of his or her employment within the boundaries of the school district for a minimum of three days during the school week.
(b) (1) A school district may deem a pupil to have complied with the residency requirements for school attendance in the school district if at least one parent or the legal guardian of the pupil is physically employed within the boundaries of that school district for a minimum of 10 hours during the school week.
(2) This subdivision does not require the school district within which at least one parent or the legal guardian of a pupil is employed to admit the pupil to its schools. A school district shall not, however, refuse to admit a pupil under this subdivision on the basis, except as expressly provided in this subdivision, of race, ethnicity, sex, parental income, scholastic achievement, or any other arbitrary consideration.
(3) The school district in which the residency of either the parents or the legal guardian of the pupil is established, or the school district to which the pupil is to be transferred under this subdivision, may prohibit the transfer of the pupil under this subdivision if the governing board of the school district determines that the transfer would negatively impact the court-ordered or voluntary desegregation plan of the school district. (4) The school district to which the pupil is to be transferred under this subdivision may prohibit the transfer of the pupil if the school district determines that the additional cost of educating the pupil would exceed the amount of additional state aid received as a result of the transfer.
(5) The governing board of a school district that prohibits the transfer of a pupil pursuant to paragraph (2), (3), or (4) is encouraged to identify, and communicate in writing to the parents or the legal guardian of the pupil, the specific reasons for that determination and is encouraged to ensure that the determination, and the specific reasons for the determination, are accurately recorded in the minutes of the board meeting in which the determination was made.
(6) The average daily attendance for pupils admitted pursuant to this subdivision is calculated pursuant to Section 46607.
(7) Unless approved by the sending school district, this subdivision does not authorize a net transfer of pupils out of a school district, calculated as the difference between the number of pupils exiting the school district and the number of pupils entering the school district, in a fiscal year in excess of the following amounts:
(A) For a school district with an average daily attendance for that fiscal year of less than 501 pupils, 5 percent of the average daily attendance of the school district.
(B) For a school district with an average daily attendance for that fiscal year of 501 pupils or more, but less than 2,501 pupils, 3 percent of the average daily attendance of the school district or 25 pupils, whichever amount is greater.
(C) For a school district with an average daily attendance of 2,501 pupils or more, 1 percent of the average daily attendance of the school district or 75 pupils, whichever amount is greater.
(8) Once a pupil is deemed to have complied with the residency requirements for school attendance

pursuant to this subdivision and is enrolled in a school in a school district the boundaries of which include the location where at least one parent or the legal guardian of a pupil is physically employed, the pupil does not have to reapply in the next school year to attend a school within that school district and the governing board of the school district shall allow the pupil to attend school through grade 12 in that school district if the parent or legal guardian so chooses and if at least one parent or the legal guardian of the pupil continues to be physically employed by an employer situated within the attendance boundaries of the school district, subject to paragraphs (2) to (7), inclusive.

Education Code 48301. Transfers to a School District of Choice:

(a) (1) The governing board of a school district may elect to operate the school district as a school district of choice and may accept transfers from school districts of residence pursuant to this article. If the governing board of a school district elects to accept transfers as authorized pursuant to this article, it shall, by resolution, determine and adopt the number of transfers it is willing to accept pursuant to this article and shall accept all pupils who apply to transfer until the school district of choice is at maximum capacity. The school district of choice shall ensure that pupils admitted pursuant to this article are selected through an unbiased process that prohibits an inquiry into or evaluation or consideration of whether or not a pupil should be enrolled based upon academic or athletic performance, physical condition, proficiency in English, any of the individual characteristics set forth in Section 200, and, except for purposes of determining priority for pupils eligible for free or reduced-price meals pursuant to Section 48306, family income.

(2) If the number of transfer applications exceeds the number of transfers the governing board of a school district of choice elects to accept pursuant to this article, approval for transfer pursuant to this article shall be determined by a random drawing held in public at a regularly scheduled meeting of the governing board of the school district of choice.

(b) Communications to parents by school districts of choice shall be factually accurate and not target individual parents or residential neighborhoods on the basis of a pupil's or pupils' actual or perceived academic or athletic skill, proficiency in English, any of the individual characteristics set forth in Section 200, or family income.

(c) A school district of choice, with respect to compliance with this article, shall be subject to the audit conducted pursuant to Section 41020.

(d) A school district of choice shall post application information on its internet website. This information shall include, at a minimum, any applicable form and the timeline for a transfer pursuant to this article. This information also shall include an explanation of the selection process the school district of choice implements pursuant to subdivision (a).

(e) A pupil attending a school in a school district of choice shall be deemed to have fulfilled the requirements of Section 48204.

(f) All communication from a school district of choice regarding the transfer opportunities pursuant to the program shall be available in all languages for which translations are required in the school district of residence pursuant to Section 48985.

(g) A school district of choice shall register as a school district of choice with both the Superintendent, in

a manner specified by the Superintendent, and the county board of education where the school district of choice is located.

(h) A school district of choice shall not enroll pupils pursuant to this article until the school district has registered pursuant to subdivision (g).

Education Code 46600. Interdistrict Transfers:

(a) (1) The governing boards of two or more school districts may enter into an agreement, for a term not to exceed five school years, for the interdistrict attendance of pupils who are residents of the school districts. The agreement may provide for the admission to a school district other than the school district of residence of a pupil who requests a permit to attend a school district of proposed enrollment that is a party to the agreement and that maintains schools and classes in transitional kindergarten, kindergarten, or any of grades 1 to 12, inclusive, to which the pupil requests admission. Once a pupil in transitional kindergarten, kindergarten, or any of grades 1 to 12, inclusive, is enrolled in a school pursuant to this chapter, the pupil shall not have to reapply for an interdistrict transfer, and the governing board of the school district of enrollment shall allow the pupil to continue to attend the school in which the pupil is enrolled, except as specified in paragraphs (2) and (4).

(2) The agreement shall stipulate the terms and conditions under which interdistrict attendance shall be permitted or denied. The agreement may contain standards for reapplication agreed to by the school district of residence and the school district of enrollment that differ from the requirements prescribed by paragraph (1). The agreement may stipulate terms and conditions established by the school district of residence and the school district of enrollment under which the permit may be revoked.

3) The designee of the superintendent of the school district of residence shall issue an individual permit verifying the school district's approval, pursuant to policies of the governing board of the school district and terms of the agreement for the transfer. A permit shall be valid upon concurring endorsement by the designee of the governing board of the school district of proposed enrollment. The stipulation of the terms and conditions under which the permit may be revoked is the responsibility of the school district of enrollment.

(4) Notwithstanding paragraph (2), a school district of residence or school district of enrollment shall not rescind existing transfer permits for pupils after June 30 following the completion of grade 10, or for pupils in grade 11 or 12.

(b) A pupil who has been determined by personnel of either the school district of residence or the school district of proposed enrollment to have been the victim of an act of bullying, as defined in subdivision (r) of Section 48900, committed by a pupil of the school district of residence shall, at the request of the parent, be given priority for interdistrict attendance.

(c) In addition to the requirements of subdivision (e) of Section 48915.1, and regardless of whether an agreement exists or a permit is issued pursuant to this section, any school district may admit a pupil expelled from another school district in which the pupil continues to reside.

(d) (1) Notwithstanding any other law, and regardless of whether an agreement exists or a permit is issued pursuant to this section, a school district of residence shall not prohibit the transfer of a pupil who is a child of an active-duty military parent to a school district of proposed enrollment if the school district of proposed enrollment approves the application for transfer.

(2) A school district of residence shall approve an intradistrict transfer request for a victim of an act of

bullying unless the requested school is at maximum capacity, in which case the school district shall accept an intradistrict transfer request for a different school in the school district. Notwithstanding any other law, and regardless of whether an agreement exists or a permit is issued pursuant to this section, if the school district of residence has only one school offering the grade level of the victim of an act of bullying and therefore there is no option for an intradistrict transfer, the victim of an act of bullying may apply for an interdistrict transfer and the school district of residence shall not prohibit the transfer if the school district of proposed enrollment approves the application for transfer.

(3) A school district of proposed enrollment that elects to accept an interdistrict transfer pursuant to this subdivision shall accept all pupils who apply to transfer under this subdivision until the school district is at maximum capacity. A school district of proposed enrollment shall ensure that pupils admitted under this subdivision are selected through an unbiased process that prohibits an inquiry into or evaluation or consideration of whether or not a pupil should be enrolled based on academic or athletic performance, physical condition, proficiency in English, family income, or any of the individual characteristics set forth in Section 220, including, but not limited to, race or ethnicity, gender, gender identity, gender expression, and immigration status.

(4) (A) For purposes of this subdivision, "active military duty parent" means a parent with full-time military duty status in the active uniformed service of the United States, including members of the National Guard and the State Guard on active-duty orders pursuant to Chapter 1209 (commencing with Section 12301) and Chapter 1211 (commencing with Section 12401) of Part II of Subtitle E of Title 10 of the United States Code.

(B) For purposes of this subdivision, a "victim of an act of bullying" means a pupil that has been determined to have been a victim of bullying by an investigation pursuant to the complaint process described in Section 234.1 and the bullying was committed by any pupil in the school district of residence, and the parent of the pupil has filed a written complaint regarding the bullying with the school, school district personnel, or a local law enforcement agency.

(5) (A) Upon request of the parent or guardian on behalf of a pupil eligible for transfer pursuant to this subdivision, a school district of enrollment shall provide transportation assistance to a pupil who is eligible for free or reduced-price meals.

(B) A school district of enrollment may provide transportation assistance to any pupil admitted under this subdivision.

(C) It is the intent of the Legislature that the amount of transportation assistance provided to a pupil pursuant to subparagraph (A) or (B) not exceed the supplemental grant received, if any, for the pupil pursuant to subdivision (e) of Section 42238.02.

Educational Code 48980(g) Statutory and Local Attendance Options (Interdistrict Transfers, Intradistrict Transfers, Transfers to School Districts of Choice, Transfers Based on Parental Employment, etc.) as well as application form(s) for requesting a change of attendance:

(g) The notification shall advise the parent or guardian of all existing statutory attendance options and local attendance options available in the school district. This notification component shall include all options for meeting residency requirements for school attendance, programmatic options offered within the local attendance areas, and any special programmatic options available on both an interdistrict and intradistrict basis. This notification component also shall include a description of all options, a description of the procedure for application for alternative attendance areas or programs, an application

form from the school district for requesting a change of attendance, and a description of the appeals process available, if any, for a parent or guardian denied a change of attendance. The notification component also shall include an explanation of the existing statutory attendance options, including, but not limited to, those available under Section 35160.5, Chapter 5 (commencing with Section 46600) of Part 26, and subdivision
(b) of Section 48204. The department shall produce this portion of the notification and shall distribute it to all school districts.

Excused Absences

Absences for reasons identified in #1-14 below reflect absences that are authorized by law to be considered as excused absences for purposes of enforcing the compulsory state attendance laws. Pursuant to Education Code 48205, absences specified in items #1-10 are considered absences in computing average daily attendance and do not generate state apportionment payments.

Subject to any applicable limitation, condition, or other requirement specified in law, a student's absence shall be excused for any of the following reasons:

1. Personal illness (Education Code 48205)
2. Quarantine under the direction of a county or city health officer (Education Code 48205)
   (cf. 5112.2 - Exclusions from Attendance)
3. Medical, dental, optometrical, or chiropractic appointment (Education Code 48205)
4. Attendance at funeral services for a member of the student's immediate family (Education Code 48205)
   Such absence shall be limited to one day if the service is conducted in California or three days if the service is conducted out of state. (Education Code 48205)
5. Jury duty in the manner provided by law (Education Code 48205)
6. Illness or medical appointment of a child to whom the student is the custodial parent (Education Code 48205)
   (cf. 5146 - Married/Pregnant/Parenting Students)
7. Upon advance written request by the parent/guardian and the approval of the principal or designee, justifiable personal reasons including, but not limited to: (Education Code 48205)
   a. Appearance in court
   b. Attendance at a funeral service
   c. Observance of a religious holiday or ceremony
   d. Attendance at religious retreats for no more than four hours per semester
   e. Attendance at an employment conference
   f. Attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization
8. Service as a member of a precinct board for an election pursuant to Elections Code 12302 (Education Code 48205)
   (cf. 6142.3 - Civic Education)
9. To spend time with an immediate family member who is an active duty member of the uniformed services, as defined in Education Code 49701, and has been called to duty for deployment to a combat zone or a combat support position or is on leave from or has immediately returned from such deployment (Education Code 48205)
   Such absence shall be granted for a period of time to be determined at the discretion of the

Superintendent or designee. (Education Code 48205)

10. Attendance at a naturalization ceremony to become a United States citizen (Education Code 48205)
    Absence for student participation in religious exercises or instruction shall not be considered an absence for the purpose of computing average daily attendance if the student attends at least the minimum school day as specified in AR 6112 - School Day, and is not excused from school for this purpose on more than four days per school month. (Education Code 46014)
    (cf. 6112 - School Day)
11. Work in the entertainment or allied industry (Education Code 48225.5)
    Such absence shall be excused provided that the student holds a work permit authorizing such work and is absent for a period of not more than five consecutive days and up to five absences per school year. (Education Code 48225.5)
12. Participation with a nonprofit performing arts organization in a performance for a public school audience (Education Code 48225.5)
    A student may be excused for up to five such absences per school year provided that the student's parent/guardian provides a written explanation of such absence to the school. (Education Code 48225.5)
13. Other reasons authorized at the discretion of the principal or designee based on the student's specific circumstances (Education Code 48205, 48260)
    For the purpose of the absences described above, immediate family means the student's parent/guardian, brother or sister, grandparent, or any other relative living in the student's household. (Education Code 48205)

Method of Verification

Student absence to care for a child for whom the student is the custodial parent shall not require a physician's note. (Education Code 48205)

For other absences, the student shall, upon returning to school following the absence, present a satisfactory explanation verifying the reason for the absence. Absences shall be verified by the student's parent/guardian, other person having charge or control of the student, or the student if age 18 or older. (Education Code 46012; 5 CCR 306)

When an absence is planned, the principal or designee shall be notified prior to the date of the absence when possible.

The following methods may be used to verify student absences:

1. Written note, fax, email, or voice mail from parent/guardian or parent representative.
2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative. The employee shall subsequently record the following:
    a. Name of student
    b. Name of parent/guardian or parent representative
    c. Name of verifying employee
    d. Date(s) of absence
    e. Reason for absence
    (cf. 5113.11 - Attendance Supervision)
3. Visit to the student's home by the verifying employee, or any other reasonable method which establishes the fact that the student was absent for the reasons stated. The employee shall

document the verification and include the information specified in item #2 above.

Absences not verified by a parent/guardian, parent representative or authorized caregiver, within three school days shall be considered unexcused.

4. Physician's verification.
    a. When excusing students for confidential medical services or verifying such appointments, district staff shall not ask the purpose of such appointments but may request a note from the medical office to confirm the time of the appointment.
    b. If a student shows a pattern of chronic absenteeism due to illness, district staff may require physician verification of any further student absences.
    (cf. 5113.1 - Chronic Absence and Truancy)

Parental Notifications

At the beginning of each school year, the Superintendent or designee shall:

1. Notify students in grades 7-12 and the parents/guardians of all students enrolled in the district that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian (Education Code 46010.1)
2. Notify parents/guardians that a student shall not have a grade reduced or lose academic credit for any excused absence if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time. Such notice shall include the full text of Education Code 48205. (Education Code 48980)

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 5145.6 - Parental Notifications)
(cf. 6154 - Homework/Makeup Work)

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: March 29, 2019 Morgan Hill, California

Interdistrict Attendance AR 5117

Interdistrict Attendance Agreements and Permits

In accordance with an agreement between the Governing Board and the board of another district, a permit authorizing a student of either district to enroll in the other district may be issued upon approval of both districts.

The district shall post on its web site the procedures and timelines for requesting an interdistrict transfer permit, including a link to BP 5117 - Interdistrict Attendance. The posted information shall include, but is not limited to: (Education Code 46600.1, 46600.2)

1. The date upon which the district will begin accepting and processing interdistrict transfer requests for the following school year

2. The reasons for which the district may approve or deny a request, and any information or documents that must be submitted as supporting evidence

3. If applicable, the process and timelines by which a denial of a request may be appealed within the district before the district renders a final decision

4. A statement that failure of a parent/guardian to meet any timelines established by the district shall be deemed an abandonment of the request

5. Applicable timelines for processing a request, including the following statements:

   a. For an interdistrict transfer request received by the district 15 or fewer calendar days before the commencement of instruction in the school year for which the transfer is sought, the district will notify the parent/guardian of its final decision within 30 calendar days from the date the request was received.

   b. For an interdistrict transfer request received by the district more than 15 days before the commencement of instruction in the school year for which the interdistrict transfer is sought, the district will notify the parent/guardian of its final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction in the school year for which transfer is sought.

6. The conditions under which an existing interdistrict transfer permit may be revoked or rescinded

Priority for interdistrict attendance shall be given to a student who has been determined by staff of either the district of residence or district of proposed enrollment to be a victim of an act of bullying, as defined in Education Code 48900(r), committed by a student of the district of residence. (Education Code 46600)

In addition, the Superintendent or designee may approve an interdistrict attendance permit for a student for any of the following reasons when stipulated in the agreement:

1. To meet the child care needs of the student, only as long as the student's child care provider remains within district boundaries

2. Child of a permanent, non-substitute, employee of the district

3. When the student has a sibling attending school in the receiving district, to avoid splitting the family's attendance

4. To allow the student to complete a school year when the student's parents/guardians have moved out of the district during that year

5. To allow the student to remain with a class graduating that year from an elementary, middle, or senior high school

6. To allow a high school senior to attend the same school attended as a junior, even if the student's family moved out of the district during the junior year

7. When the parent/guardian provides written evidence that the family will be moving into the district in the immediate future and would like the student to start the school year in the district

8. When the student will be living out of the district for one year or less

9. When recommended by the school attendance review board or by county child welfare, probation, or social service agency staff in documented cases of serious home or community problems which make

it inadvisable for the student to attend the school of residence

10. When there is valid interest in a particular educational program not offered in the district of residence

11. To provide a change in school environment for reasons of personal and social adjustment

The Superintendent or designee may deny initial requests for interdistrict attendance permits due to limited district resources, overcrowding of school facilities at the relevant grade level, or other considerations that are not arbitrary.

If the transfer request is for a school year that begins within 15 calendar days of the receipt of the request, the Superintendent or designee shall notify the parent/guardian of the final decision within 30 calendar days of receiving the request. If the transfer request is for a school year that begins more than 15 calendar days after the receipt of the request, the parent/guardian shall be notified of the final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction during that school year. (Education Code 46600.2)

All notices to parents/guardians regarding the district's decision on any request for interdistrict transfer shall conform to the translation requirements of Education Code 48985, and may be provided by regular mail, electronic format if the parent/guardian provides an email address, or by any other method normally used to communicate with parents/guardians in writing. (Education Code 46600.2)

Pending a decision by the two districts or by the County Board on appeal, the Superintendent or designee may provisionally admit a student who resides in another district for a period not to exceed two school months, provided the district is the district of proposed enrollment. If the decision has not been rendered by the conclusion of two school months and the districts or County Board is still operating within the prescribed timelines, the student shall not be allowed to continue attending the district school to which the student was provisionally admitted. (Education Code 46603)

Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials or rescissions while expulsion proceedings are pending or during the term of the expulsion. (Education Code 46601)

Once a student is admitted to a school on the basis of an interdistrict attendance permit, the student shall annually reapply for an interdistrict transfer. Existing interdistrict attendance permits shall not be rescinded after June 30 following a student's completion of grade 11or for any student entering grade 12 in the subsequent school year. (Education Code 46600)

The district may revoke a student's enrollment if the student is recommended for expulsion pursuant to Education Code 48918. (Education Code 48309)

Transfers Out of the District

A student whose parent/guardian is in active military duty shall not be prohibited from transferring out of the district, provided the school district of proposed enrollment approves the application for transfer. (Education Code 46600, 48307)

The district may limit transfers out of the district to a school district of choice under any of the following

circumstances: (Education Code 48307)

1. The number of student transfers out of the district to a school district of choice has reached the limit specified in Education Code 48307 based on the district's average daily attendance.

2. The County Superintendent of Schools has given the district a negative budget certification or has determined that the district will not meet the state's standards and criteria for fiscal stability in the subsequent fiscal year exclusively as a result of student transfers from this district to a school district of choice.

3. The Board determines that the transfer would negatively impact any of the following: (Education Code 48307)
   a. A court-ordered desegregation plan

   b. A voluntary desegregation plan of the district, consistent with the California Constitution, Article 1, Section 31

   c. The racial and ethnic balance of the district, consistent with the California Constitution, Article 1, Section 31

Regulation
adopted: March 29, 2019

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Excused Absences

Education Code Section 46014. Absences for Religious Purposes

Pupils, with the written consent of their parents or guardians, may be excused from school in order to participate in religious exercises or to receive moral and religious instruction at their respective places of worship or at other suitable place or places away from school property designated by the religious group, church, or denomination, which shall be in addition and supplementary to the instruction in manners and morals required elsewhere in this code. Such absence shall not be deemed absence in computing average daily attendance, if all of the following conditions are complied with: (a) The governing board of the district of attendance, in its discretion, shall first adopt a resolution permitting pupils to be absent from school for such exercises or instruction. (b) The governing board shall adopt regulations governing the attendance of pupils at such exercises or instruction and the reporting thereof. (c) Each pupil so excused shall attend school at least the minimum school day for his grade for elementary schools, and as provided by the relevant provisions of the rules and regulations of the State Board of Education for secondary schools. (d) No pupil shall be excused from school for such purpose on more than four days per school month. It is hereby declared to be the intent of the Legislature that this section shall be permissive only.

Education Code 48980 (h) Article 6 California School Information Services – Pupil Attendance Options and Transfer Forms

The notification shall advise the parent or guardian of all existing statutory attendance options and local attendance options available in the school district. This notification component shall include all options for meeting residency requirements for school attendance, programmatic options offered within the local

attendance areas, and any special programmatic options available on both an interdistrict and intradistrict basis. This notification component also shall include a description of all options, a description of the procedure for application for alternative attendance areas or programs, an application form from the district for requesting a change of attendance, and a description of the appeals process available, if any, for a parent or guardian denied a change of attendance. The notification component also shall include an explanation of the existing statutory attendance options including, but not limited to, those available under Section 35160.5, Chapter 5 (commencing with Section 46600) of Part 26, and subdivision (b) of Section 48204. The department shall produce this portion of the notification and shall distribute it to all school districts.

Education Code 48980 (j) Article 6 California School Information Services – No Grade Reduction Due to Excused Absences

The notification shall advise the parent or guardian that a pupil shall not have his or her grade reduced or lose academic credit for any absence or absences excused pursuant to Section 48205 if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time, and shall include the full text of Section 48205.

Education Code 48205 – Excused Absences

(a) Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:

(1) Due to the pupil's illness, including an absence for the benefit of the pupil's mental or behavioral health.

(2) Due to quarantine under the direction of a county or city health officer.

(3) For purposes of having medical, dental, optometrical, or chiropractic services rendered.

(4) For purposes of attending the funeral services or grieving the death of either a member of the pupil's immediate family, or of a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, so long as the absence is not more than five days per incident.

(5) For purposes of jury duty in the manner provided for by law.

(6) Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent, including absences to care for a sick child, for which the school shall not require a note from a doctor.

(7) For justifiable personal reasons, including, but not limited to, an attendance or appearance in court, attendance at a funeral service, observance of a holiday or ceremony of the pupil's religion, attendance at a religious retreat, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization, when the pupil's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board of the school district.

(8) For purposes of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.

(9) For purposes of spending time with a member of the pupil's immediate family who is an active duty member of the uniformed services, as defined in Section 49701, and has been called to

duty for, is on leave from, or has immediately returned from, deployment. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of the school district.

(10) For purposes of attending the pupil's naturalization ceremony to become a United States citizen.

(11) For purposes of participating in a cultural ceremony or event.

(12) (A) For purposes of a middle school or high school pupil engaging in a civic or political event, as provided in subparagraph (B), provided that the pupil notifies the school ahead of the absence.

(B) (i) A middle school or high school pupil who is absent pursuant to subparagraph (A) is required to be excused for only one school day-long absence per school year.

(ii) A middle school or high school pupil who is absent pursuant to subparagraph (A) may be permitted additional excused absences in the discretion of a school administrator, as described in subdivision (c) of Section 48260.

(13) (A) For any of the purposes described in clauses (i) to (iii), inclusive, if an immediate family member of the pupil, or a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, has died, so long as the absence is not more than three days per incident.

(i) To access services from a victim services organization or agency.

(ii) To access grief support services.

(iii) To participate in safety planning or to take other actions to increase the safety of the pupil or an immediate family member of the pupil, or a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, including, but not limited to, temporary or permanent relocation.

(B) Any absences beyond three days for the reasons described in subparagraph (A) shall be subject to the discretion of the school administrator, or their designee, pursuant to Section 48260.

(14) Due to the pupil's participation in military entrance processing.

(15) Authorized at the discretion of a school administrator, as described in subdivision (c) of Section 48260.

(b) A pupil absents from school pursuant to this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit for those assignments and tests. The teacher of the class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.

(c) For purposes of this section, attendance at religious retreats shall not exceed one school day per semester.

(d) Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.

(e) For purposes of this section, the following definitions apply:

(1) A "civic or political event" includes, but is not limited to, voting, poll working, strikes, public commenting, candidate speeches, political or civic forums, and town halls.

(2) "Cultural" means relating to the practices, habits, beliefs, and traditions of a certain group of people.
(3) "Immediate family" means the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the pupil.
(4) "Victim services organization or agency" has the same meaning as defined in subdivision (j) of Section 12945.8 of the Government Code.

Unexcused Absences

Absences for reasons other than those listed above are considered Unexcused.

After 3 days, absences for reasons unknown to our Attendance Office are considered Unexcused.

In addition, the Governing Board has determined that upon prior written request from a parent or guardian and approval of the principal or designee, a student's absence may be excused for justifiable personal reasons, including, but not limited to:

- Court appearance
- Religious holiday or ceremony
- Religious retreat not to exceed four hours per semester
- Employment interview or conference for student
- Appearance at Student Attendance Review Board or Student Attendance Review meetings
- Appearance at a funeral of someone other than a member of the immediate family

Leaving Campus

In order for a student to leave campus during the school day a student must check out through the Attendance Office by having a parent call or bringing a note from a parent upon return to school, the student must check in at the Attendance Office, and bring the note signed by the medical provider (if the student was at a medical appointment) or parent.

Family Trips, Personal Appointments and Business

Although strongly discouraged, missing school for a family trip is sometimes unavoidable. These absences are considered Unexcused according to the State Education Code. Students missing school should contact his/her teachers as soon as possible to request make-up work.

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: September 5, 2017 Morgan Hill, California

Chronic Absence and Truancy AR 5113.1

Definitions

Chronic absentee means a student who is absent for any reason on 10 percent or more of the school days in the school year, when the total number of days the student is absent is divided by the total number of days the student is enrolled and school was actually taught in the regular day schools of the district, exclusive of Saturdays and Sundays.

Truant means a student who is absent from school without a valid excuse three full days in one school year, or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof. (Education Code 48260)

Habitual truant means a student who has been reported as a truant three or more times within the same school year, provided the district has made a conscientious effort to hold at least one conference with the student and his/her parent/guardian. (Education Code 48262, 48264.5)

Chronic truant means a student who has been absent from school without a valid excuse for 10 percent or more of the school days in one school year, from the date of enrollment to the current date, provided the district has met the requirements of Education Code 48260-48263 and 48291. (Education Code 48263.6)

Addressing Chronic Absence

When a student is identified as a chronic absentee, the attendance supervisor shall communicate with the student and his/her parent/guardian to determine the reason(s) for the excessive absences, ensure the student and parent/guardian are aware of the adverse consequences of poor attendance, and jointly develop a plan for improving the student's school attendance.

The student may be referred to a student success team or school-site attendance review team to assist in evaluating the student's needs and identifying strategies and programs that may assist him/her.

A student who is struggling academically may be offered tutoring or other supplemental instruction, extended learning opportunities, and/or alternative educational options as appropriate.

Regulation
adopted: 11/13/2012

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

School Day BP 6112

The Governing Board shall fix the length of the school day in accordance with law. (Education Code 46100)

At each school, the length of the school day shall be the same for all students, except as otherwise permitted by law. For any student with a disability, the length of the school day shall be as specified in the student's individualized education program or Section 504 plan.

Unless there is a field trip or other educational program, the daily schedule for grades K-6 shall include at least one or more periods of recess of at least 30 minutes on regular instructional days and 15 minutes on early release days. During this time, students shall be provided supervised opportunities, outdoors when weather and air quality permit unless space is not sufficient in which case recess may be held indoors, to engage in unstructured physical activity, play, organized games, and/or social engagement with peers, and may be provided a snack. (Education Code 49056)

Educational Program means the entire school-sponsored offering for students, including in-class and out-of-class activities. (Education Code 49056)

In establishing the daily instructional schedule for each secondary school, the Superintendent or designee shall give consideration to course requirements and curricular demands, availability of school facilities and equipment, and applicable legal requirements.

The Board encourages flexibility in scheduling so as to provide longer time blocks or class periods when appropriate and desirable to support student learning, provide more intensive study of core academic subjects or extended exploration of complex topics, and reduce transition time between classes.

Prior to implementing a block or alternative schedule that will allow secondary students to attend school for fewer school days than the total number of school days for which the school is in session, the Board shall consult in good faith, in an effort to reach agreement with the certificated and classified employees of the school, parents/guardians of the students who would be affected by the change, and the community at large. Such consultation shall include at least one public hearing for which the Board shall give adequate notice to the employees and to the parents/guardians of affected students. (Education Code 46162)

Policy adopted: June 23, 2015

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Students BP 5111

ADMISSION

The Governing Board encourages the enrollment and appropriate placement of all children who are eligible for enrollment in school. The Superintendent or designee shall inform parents/guardians of children seeking admission to a district school about admission requirements and shall assist them with enrollment procedures.

The Superintendent or designee shall announce and publicize the timeline and process for registration of students at district schools. Applications for intradistrict or interdistrict enrollment shall be subject to the timelines specified in applicable Board policies and administrative regulations.

All appropriate staff shall receive training on district admission policies and procedures, including information regarding the types of documentation that can and cannot be requested.

Verification of Admission Eligibility

Before enrolling any child in a district school, the Superintendent or designee shall verify the child's age, residence within the district, immunization, and other applicable eligibility criteria specified in law, the accompanying administrative regulation, or other applicable Board policy or administrative regulation.

The district shall not inquire into or request documentation of a student's social security number or the last four digits of the social security number or the citizenship or immigration status of the student or the student's family members. (Education Code 234.7, 49076.7)

However, such information may be collected when required by state or federal law or to comply with requirements for special state or federal programs. In any such situation, the information shall be collected separately from the school enrollment process and the Superintendent or designee shall explain the limited purpose for which the information is collected. Enrollment in a district school shall not be denied on the basis of any such information of the student or the student's parents/guardians obtained by the district, or the student's or parent/guardian's refusal to

provide such information to the district.

School registration information shall list all possible means of documenting a child's age for entry into grades K-1 as authorized by Education Code 48002 or otherwise prescribed by the Board. Any alternative document allowed by the district shall be one that all persons can obtain regardless of immigration status, citizenship status, or national origin and shall not reveal information related to citizenship or immigrant status.

The Superintendent or designee shall immediately enroll a homeless student, foster youth, student who has had contact with the juvenile justice system, or a child of a military family regardless of outstanding fees or fines owed to the student's last school, lack of clothing normally required by the school, such as school uniforms, or an inability to produce previous academic, medical, or other records normally required for enrollment. (Education Code 48645.5, 48850, 48852.7, 48853.5, 49701; 42 USC 11432)

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: June 19, 2018
Last Revised Date: 11/15/2022 | Last Reviewed Date: 11/15/2022 Morgan Hill, California

Students AR 5111

ADMISSION

Age of Admittance to Kindergarten and First Grade
At the beginning of each school year, the Superintendent or designee shall enroll any otherwise eligible child who will have his/her fifth or sixth birthday on or before September 1 of that year into kindergarten or first grade, as applicable (Ed Code 48000, 48010).

Any child who will have his/her fifth birthday from September 2 through December 2 of the school year shall be offered a transitional kindergarten (TK) program in accordance with law and Board policy. *(Education Code 48000)*. The district at its sole discretion may extend this date to include child with a birthdate through December 31.

A half-year TK program may be offered for students who have late birthdays, if the district has capacity and there is sufficient interest and funding for the program.

Staff may assess any enrolled kindergarten or TK student for placement in either grade if the parent appeals to the Education Services Department. Assessments will be completed after 20 days of school and placement changes made based on program availability, and the child's academic and social-emotional readiness.

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
approved: March 29, 2019 Morgan Hill, California

Education For Homeless Children AR 6173

Definitions

Homeless means students who lack a fixed, regular, and adequate nighttime residence and includes: (42 USC 11434a)

1. Children and youths who are sharing the housing of other persons due to loss of housing, economic

hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement

2. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings

3. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings

4. Migratory children who qualify as homeless because the children are living in conditions described in (1)-(3) above

School of origin means the school that the student attended when permanently housed or the school in which the student was last enrolled. (42 USC 11432

Best interest means, to the extent feasible, continuing a student's enrollment in the school of origin for the duration of his/her homelessness, except when doing so is contrary to the wishes of his/her parent/guardian. (42 USC 11432)

Unaccompanied youth means a youth not in the physical custody of a parent or guardian. (42 USC 11434(a))

District Liaison

The Superintendent designates the following staff person as the district liaison for homeless students: (42 USC 11432)

Student Services Director
15600 Concord Circle
Morgan Hill, CA 95037
408-201-6001

The district's liaison for homeless students shall ensure that: (42 USC 11432)

1. Homeless students are identified by school personnel and through coordinated activities with other entities and agencies

2. Homeless students enroll in, and have a full and equal opportunity to succeed in, district schools

3. Homeless families and students receive educational services for which they are eligible

4. Parents/guardians are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children

5. Notice of the educational rights of homeless children is disseminated at places where children receive services, such as schools, shelters, and soup kitchens

6. Enrollment disputes are mediated in accordance with law, Board policy, and administrative regulation

7. Parents/guardians are fully informed of all transportation services

Enrollment

Placement decisions for homeless students shall be based on the student's best interest. In determining a student's best interest, a homeless student shall, to the extent feasible, be placed in his/her school of origin, unless his/her parent/guardian requests otherwise. (42 USC 11432)

When making a placement decision, the Superintendent or designee may consider the age of the student, the distance of the commute and the impact it may have on the student's education, personal safety issues, the student's need for special instruction, the length of anticipated stay in the temporary shelter or other temporary location, likely area of future housing, school placement of siblings, and the time remaining in the school year.

The student may continue attending his/her school of origin for the duration of the homelessness and until the end of any academic year in which he/she moves into permanent housing. (42 USC 11432)

In the case of an unaccompanied youth, the district's homeless liaison shall assist in placement or enrollment decisions, consider the views of the student, and provide notice to the student of his/her appeal rights. (42 USC 11432)

If the student is placed at a school other than his/her school of origin or the school requested by his/her parent/guardian, the Superintendent or designee shall provide the parent/guardian with a written explanation of the decision along with a statement regarding the parent/guardian's right to appeal the placement decision. (42 USC 11432)

Once a placement decision has been made, the principal or designee shall immediately enroll the student in the school of choice, even if the parent/guardian is unable to provide the school with the records normally required for enrollment. (42 USC 11432)

The principal or designee shall immediately contact the school last attended by the student to obtain the relevant records. If the student needs to obtain immunizations or does not possess immunization or other medical records, the principal or designee shall refer the parent/guardian to the district's liaison for homeless students. The liaison shall assist the parent/guardian in obtaining the necessary immunizations or records for the student. (42 USC 11432)

Enrollment Dispute Resolution Process

If a dispute arises over school selection or enrollment in a particular school, the student shall be immediately admitted to the school in which enrollment is sought pending resolution of the dispute. (42 USC 11432)

The parent/guardian shall be provided with a written explanation of the placement decision, including an explanation of the parent/guardian's right to appeal the decision. He/she shall also be referred to the district liaison. (42 USC 11432)

The written explanation shall be complete, as brief as possible, simply stated and provided in language that the parent/guardian or student can understand. The explanation may include contact information for the district liaison, a description of the district's decision, notice of the right to enroll in the school of choice

pending resolution of the dispute, notice that enrollment includes full participation in all school activities, and notice of the right to appeal the decision to the county office of education and, if the dispute remains unresolved, to the California Department of Education.

The district liaison shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute. (42 USC 11432)

The liaison shall provide the parent/guardian a copy of the district's decision, dispute form, and a copy of the outcome of the dispute.

If a parent/guardian disagrees with the liaison's enrollment decision, he/she may appeal the decision to the Superintendent. The Superintendent shall make a determination within five working days.

If the parent/guardian wishes to appeal the district's placement decision, the district liaison shall forward all written documentation and related paperwork to the homeless liaison at the county office of education.

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: November 13, 2012 Morgan Hill, California

Migrant Education Program AR 6175

Eligibility

Students age 3 to 21 years shall be eligible for the district's migrant education program if they, their parents/guardians, or their spouses are migratory agricultural workers or fishers who, in the preceding 36 months, moved into the district due to economic necessity and engaged in new temporary or seasonal employment or personal subsistence in agriculture or fishing. If such employment was not secured soon after the move, students may be considered students who are migratory if the student, the student's parents/guardians, or the student's spouse actively sought such new employment and have a recent history of moves for temporary or seasonal agricultural or fishing employment. (20 USC 6399; 34 CFR 200.81)

Enrollment

A student who is migratory shall be immediately enrolled in the district even if the student: (Education Code 48204.7)

1. Has outstanding fees, fines, textbooks, or other items or monies due to the school last attended

2. Does not have clothing normally required by the school, such as school uniforms

3. Is unable to produce records normally required for enrollment, such as previous academic records, proof of residency, medical records, including, but not limited to, records or other proof of immunization history, or other documentation

If a student who is migratory experiences a change in residence, the student may remain enrolled in the school of origin for the duration of the student's status as a student who is migratory. (Education Code

48204.7)

If a student's status as a student who is migratory changes during a school year, the Superintendent or designee shall allow the student to continue at the school of origin through the duration of that school year or, if the student is enrolled in a high school, through graduation. (Education Code 48204.7)

A student who is migratory and is transitioning between school grade levels shall be allowed to continue in the district of origin in the same attendance area to provide the student the benefit of matriculating with peers in accordance with the established feeder patterns of school districts. A student who is migratory and is transitioning to a middle school or high school designated for matriculation in another school district shall be allowed to enroll in that school. (Education Code 48204.7)

The Superintendent or designee shall inform a student who is migratory and the student's parent/guardian of the impact of remaining in the school of origin on the student's eligibility to receive migrant education services pursuant to Education Code 54440-54445. (Education Code 48204.7)

The Superintendent or designee may, but is not required to, provide transportation to enable a student who is migratory to attend the school of origin, unless otherwise required by federal law, or provide programs for online instruction as a substitute for physical attendance. (Education Code 48204.7)

Student Records

The Superintendent or designee shall maintain records documenting the eligibility of students enrolled in the district's migrant education program. However, the district shall not collect information or documents regarding the citizenship or immigration status of students or their family members for the purpose of determining eligibility for migrant education services.

The Superintendent or designee shall acquire education and health records from the previous school districts of a student who is migratory, as appropriate.

When a student who is migratory transfers to another district, the student's records shall be provided to the receiving district upon request at no cost in order to assist that district in meeting the needs of the student. (20 USC 6398)

Program Components

The migrant education program shall include all of the following components: (Education Code 54443.1)

1. A general needs assessment summarizing the needs of the population to be served

2. A comprehensive program to meet the educational, health, and related needs of participating students which supplements the district program and includes, but is not limited to:

a. Instructional services, including academic, remedial and compensatory, bilingual-cross-cultural, and career technical instruction

b. Counseling and career education services

c. Preschool services in accordance with Education Code 54443

d. Other educational services that are not otherwise available in sufficient quantity or quality to eligible students who are migratory

e. The acquisition of instructional materials and equipment necessary to adequately provide the appropriate services

f. Other related services to meet the special needs of eligible students who are migratory to enable them to participate effectively in instructional services

g. The coordination and teaming of existing resources serving students who are migratory, such as bilingual-cross-cultural education, health screening, and compensatory education

3. Individual assessment of the educational and relevant health needs of each participating student, within 30 days of enrollment, including assessments concurrently provided pursuant to compensatory education, bilingual-cross-cultural education, school improvement programs, and other programs serving the student

4. A brief individual learning plan listing the services to be provided to each student, which shall be given to the parent/guardian in writing or at a parent/guardian conference, annually and when the student moves to a new district

5. Staffing and staff development plans and practices to meet the needs of students and implement the program

6. Parent/guardian and community involvement as specified in Education Code 54444.2, including, but not necessarily limited to, the establishment of a parent/guardian advisory council to actively involve parents/guardians in planning, operating, and evaluating the district's migrant education program

7. The migrant education program shall provide for the same opportunities for parent/guardian involvement that are provided to parents/guardians for federal Title I programs. (20 USC 6394)

8. Evaluations which include annual student progress and overall program effectiveness and quality control reports

Summer School and Extended School Year Program

The district shall conduct summer school program(s) for eligible students who are migratory. The summer school program shall respond to the individual needs of participating students and shall build on and be consistent with the instructional programs offered to these students during the regular school year. Coursework shall be of the same level of difficulty in each subject as that provided to students enrolled in regular classes of instruction within the district in the preceding year. (Education Code 54444.3)

Teachers in the summer school program shall have cultural training or background and understanding of the special needs of students who are migratory and possess the proper credential for the subjects and grade levels to which they are assigned. (Education Code 54444.3)

The program shall comply with the following requirements for instructional time: (Education Code

54444.3)

1. For kindergarten class, a minimum of 180 minutes per day, including recesses, for not less than 20 instructional days

2. For grades 1-8, a minimum of 200 minutes per day, including recesses and passing time but excluding noon intermissions, for not less than 20 instructional days

3. For grades 7-12, a minimum of 240 minutes per day, including passing time but excluding noon intermissions, for not less than 30 instructional days

The number of instructional days may be less than as described above if, during the summer school program, there is a holiday for which schools are required to be closed. (Education Code 37220, 54444.3).

When district facilities that are suitable for the summer climate are available, the district shall make facilities available at cost to other agencies that request facilities for the operation of migrant summer school programs, unless just cause for denial exists. When approved by the Superintendent of Public Instruction, the district may jointly offer facilities with a neighboring district to meet the needs of the migrant summer school program for the entire area. (Education Code 54444.3)

If the district receives authorization and average daily attendance funding from the California Department of Education to provide an extended school year program to students who are migratory who, due to family movement, enroll in transitional kindergarten, kindergarten, or any of grades 1-6, on or after March 1 of the school year and depart on or before December 1 of the next school year, the Superintendent or designee shall operate the program in accordance with Education Code 41601.6. (Education Code 41601.6)

Transfer of Coursework and Credits

When a student enrolled in a migrant education program transfers into a district school, the district will receive an official transcript from the transferring school or district which reflects full and partial credits and grades earned by the student and includes: (Education Code 51225.2)

1. A determination of the days of enrollment and/or seat time, if applicable, for all full and partial credits earned based on any measure of full or partial coursework being satisfactorily completed

Partial coursework satisfactorily completed includes any portion of an individual course, even if the student did not complete the entire course

2. Separate listings for credits and grades earned at each school and local educational agency so it is clear where credits and grades were earned

3. A complete record of the student's seat time, including both period attendance and days of enrollment

The district shall transfer the credits and grades from the transferring school's transcript onto an official district transcript in the same manner as described in Item #2, above. (Education Code 51225.2)

If the Principal or designee has knowledge that the transcript from the transferring school may not

include certain credits or grades, the principal or designee shall contact the prior school within two business days to request that the full or partial credits be issued, which shall then be issued and provided by the prior school along with all academic and other records within two business days of the request. (Education Code 51225.2)

The district shall accept and issue full credit for any coursework that the student who is migratory has satisfactorily completed while attending another public school, a juvenile court school, a charter school, a school in a country other than the United States, or a nonpublic, nonsectarian school.

If the entire course was completed, the district shall not require the student who is migratory to retake the course. (Education Code 51225.2)

If the entire course was not completed at the previous school, the student who is migratory shall be issued partial credit for the coursework completed and shall be required to take the uncompleted portion of the course. However, the district may require the student who is migratory to retake the portion of the course completed if, in consultation with the educational rights holder for the student who is migratory, the district finds that the student who is migratory is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a student who is migratory in any particular course, the student who is migratory shall be enrolled in the same or equivalent course, if applicable, to enable the completion of the entire course. (Education Code 51225.2)

Partial credits shall be awarded on the basis of 0.5 credits for every seven class periods attended per subject. If the school is on a block schedule, each block schedule class period attended shall be equal to two regular class periods per subject. Partial credits and grades earned by a student shall be included on the student's official transcript within two business days of the district's notification of the student's transfer, as required under Education Code 49069.5.

In no event shall the district prevent a student who is migratory from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of California. (Education Code 51225.2)

Applicability of Graduation Requirements

To obtain a high school diploma, a student who is migratory shall complete all courses required by Education Code 51225.3 and shall generally fulfill any additional local graduation requirements prescribed by the Board.

However, when a student who is migratory has completed the second year of high school and transfers into a district school, the student shall be exempted from all district-adopted coursework and other district-established graduation requirements, unless the district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school by the end of the student's fourth year of high school. Within 30 calendar days of the student's transfer, the Superintendent or designee shall notify the student and the student's parent/guardian of the availability of the exemption and whether the student qualifies for it. If the Superintendent or designee fails to provide this notification, the student shall be eligible for the exemption once notified, even if the notification occurs after the termination of the court's jurisdiction over the student. (Education Code 51225.1)

To determine whether a student is in the third or fourth year of high school, the district shall use either the number of credits the student has earned as of the date of the transfer, the length of school enrollment, or,

for a student with significant gaps in school attendance, the student's age as compared to the average age of students in the third or fourth year of high school, whichever qualifies the student for the exemption. (Education Code 51225.1)

If a student who is migratory was not properly notified of an exemption, declined the exemption, or was not previously exempted, the student or the student's educational rights holder may request the exemption and the Superintendent or designee shall exempt the student within 30 days of the request. A student may request the exemption even if the student is no longer a student who is migratory. (Education Code 51225.1)

When the Superintendent or designee determines that a student who transferred into a district school is reasonably able to complete district-established graduation requirements by the end of the student's fourth year of high school, the student shall not be exempted from those requirements. Within 30 calendar days of the following academic year, the student shall be reevaluated based on the student's course completion status at the time, to determine if the student continues to be reasonably able to complete the district-established graduation requirements in time to graduate by the end of the student's fourth year of high school. Written notice as to whether the student then qualifies for exemption shall be provided to the student, the student's educational rights holder, and if applicable, to the student's social worker or probation officer. (Education Code 51225.1)

If, upon reevaluation, it is determined that the student who is migratory is not reasonably able to complete the district-established graduation requirements in time to graduate from high school by the end of the student's fourth year of high school, the Superintendent or designee shall provide the student with the option to receive an exemption from district-established graduation requirements or stay in school for a fifth year to complete the district-established graduation requirements upon agreement with the student, or if under 18 years of age, the student's educational rights holder, and shall provide notifications in accordance with Education Code 51225.1. (Education Code 51225.1)

When a student who is migratory is exempted from district-established graduation requirements, the Superintendent or designee shall consult with the student and the student's educational rights holder about the following: (Education Code 51225.1)

1. Discussion of how any requirements that are waived may affect the student's postsecondary education or vocation plans, including the ability to gain admission to a postsecondary educational institution

2. Discussion and information about other options available to the student, including, but not limited to, a fifth year of high school, possible credit recovery, and any transfer opportunities available through the California Community Colleges

3. Consideration of the student's academic data and any other information relevant to making an informed decision on whether to accept the exemption

The district shall not require or request a student who is migratory to transfer schools in order to qualify for an exemption and shall not grant any request made by a student who is migratory or the student's parent/guardian for a transfer solely to qualify for an exemption. (Education Code 51225.1)

The Superintendent or designee shall not require a student who is migratory who is eligible for an exemption from district-established graduation requirements and would otherwise be entitled to remain in attendance at the school, to accept the exemption or be denied enrollment in, or the ability to complete,

courses for which the student is otherwise eligible, including courses necessary to attend an institution of higher education, regardless of whether such courses are required for statewide graduation requirements. (Education Code 51225.1)

If a student who is migratory is exempted from district-established graduation requirements, the exemption shall not be revoked. Additionally, the exemption shall continue to apply after the student no longer meets the definition of a student who is migratory while still enrolled in the school or if the student transfers to another school, including a charter school, or school district. (Education Code 51225.1)

The Superintendent or designee shall not require or request that an eligible student who is exempted from district-established graduation requirements and who completes the statewide coursework requirements before the end of the fourth year of high school, and would otherwise be entitled to remain in school, to graduate before the end of the student's fourth year of high school. (Education Code 51225.1)

Upon making a finding that a student who is migratory is reasonably able to complete district-established graduation requirements within the fifth year of high school, the Superintendent or designee shall: (Education Code 51225.1)

1. Consult with the student and, if under 18 years of age, the student's educational rights holder, of the option to remain in school for a fifth year to complete the district-established graduation requirements and how that will affect the student's ability to gain admission to a postsecondary educational institution

2. Consult with and provide information to the student about transfer opportunities available through the California Community Colleges

3. Upon agreement with the student or with the student's educational rights holder if under 18 years of age, permit the student to stay in school for a fifth year to complete the district established graduation requirements

When a student who is migratory has completed the second year of high school transfers into the district or between high schools within the district, and the Superintendent or designee determines that the student is not reasonably able to complete the district-established graduation requirements within the student's fifth year of high school but is reasonably able to complete the statewide coursework requirements within the fifth year of high school, the student shall be exempted from all district-established graduation requirements and be provided with the option to remain in school for a fifth year to complete the statewide requirements. In such situations, the Superintendent or designee shall consult with the student and the student's educational rights holder, regarding the following: (Education Code 51225.1)

1. The student's option to remain in school for a fifth year to complete statewide coursework requirements

2. The effect of waiving the district-established requirements and remaining in school for a fifth year on the student's postsecondary education or vocation plans, including the ability to gain admission to an institution of higher education

3. Other options available to the student, including, but not limited to, possible credit recovery, and any transfer opportunities available through the California Community Colleges

4. The student's academic data and any other information relevant to making an informed decision on whether to accept the exemption and option to remain in school for a fifth year to complete the statewide

coursework requirements

Parent Advisory Council

The parent advisory council shall be comprised of members who are knowledgeable of the needs of students who are migratory and shall be elected by the parents/guardians of students enrolled in the district's migrant education program. The composition of the council shall be determined by the parents/guardians at a general meeting to which all parents/guardians of participating students shall be invited. The parents/guardians shall be informed, in a language they understand, that they have the sole authority to decide on the composition of the council. (Education Code 54444.2)

At least two-thirds of the advisory council shall consist of parents/guardians of students who are migratory. (Education Code 54444.2)

All parent/guardian candidates for the council shall be nominated by parents/guardians. Nonparent candidates, such as teachers, administrators, other school personnel, or students, shall be nominated by the groups they represent. All other community candidates shall be nominated by the parents/guardians. (Education Code 54444.2)

The parent/guardian advisory council shall meet at least six times during the year and shall: (Education Code 54444.4)

1. Establish program goals, objectives, and priorities

2. Review annual needs assessments, program activities for each school, and individual learning plans

3. Advise on the selection, development, and reassignment of migrant education program staff

4. Participate actively in planning and negotiating program applications and service agreements

5. Perform all other responsibilities required under state and federal laws or regulations

The Superintendent or designee shall establish and implement a training program for advisory council members to enable them to carry out their responsibilities. The training program shall be developed in consultation with the council and shall include appropriate training materials in a language understandable to each member. (Education Code 54444.2)

The Superintendent or designee shall provide the council, without charge, a copy of all applicable state and federal migrant education statutes, rules, regulations, guidelines, audits, monitoring reports, and evaluations. Upon request, these materials also shall be provided without charge to each member of the council. (Education Code 54444.2)

Notification and Complaints

Information regarding the educational rights of students who are migratory, as specified in Education Code 51225.1 and 51225.2, shall be included in the annual uniform complaint procedures notification distributed to students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 51225.1, 51225.2)

Any complaint that the district has not complied with requirements regarding the education of students who are migratory, as specified in Education Code 51225.1 or 51225.2, may be filed in accordance with the district's procedures in Administrative Regulation 1312.3 - Uniform Complaint Procedures.

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: 06/12/2019 Morgan Hill, California

Migrant Education Program BP 6175

The Governing Board desires to provide a comprehensive program for students who are migratory that attempts to mitigate the impact of educational disruption, cultural and language barriers, social isolation, health-related problems, and other factors that may inhibit their ability to succeed in school. The district shall make use of available funds to provide supplementary services for students who are migratory.

The Superintendent or designee shall cooperate with the regional migrant service center in outreach and identification of eligible students who are migratory and in the provision of migrant education services. The Superintendent or designee shall also coordinate migrant education services with other programs within the district and with other public agencies that serve migrant workers and their families.

The district shall give first priority for services to students who are migratory who are failing, or are most at risk of failing, to meet state academic standards or have dropped out of school. (20 USC 6394)

The district shall provide services to eligible private school students residing within the district on an equitable basis with participating public-school students. (20 USC 7881; 34 CFR 200.87)

The Superintendent or designee shall ensure that each student who is migratory is placed at the appropriate grade level upon enrollment and is provided services in accordance with an individual needs assessment and learning plan.

The Superintendent or designee shall annually report to the Board regarding student performance on statewide assessments of core academic subjects and English language development, as appropriate, for students enrolled in the district's migrant education program. In addition, the Superintendent or designee shall periodically report to the Board regarding the alignment of district services with the needs of students as identified in student needs assessments conducted pursuant to Education Code 54443.1. As necessary, the Board shall seek technical assistance from the migrant education regional service center and/or make changes in the services provided by the district in order to improve student achievement.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: 03/19/2019 Morgan Hill, California

District Residency BP 5111.1

The Governing Board desires to admit all students who reside within district boundaries or who fulfill the district residency requirements through other means as allowed by law. The Superintendent or designee shall develop procedures to facilitate the receipt and verification of students' proof of residency.

The Superintendent or designee shall annually notify parents/guardians of all existing attendance options available in the district, including, but not limited to, all options for meeting residency requirements for

school attendance. *(Education Code 48980)*

The Superintendent or designee shall require parents/guardians to provide documentation of the student's residency upon admission to a district school. A copy of the document or written statement offered as verification of residency shall be maintained in the student's mandatory permanent record. (5 CCR 432)

When establishing a student's residency for enrollment purposes, the Superintendent or designee shall not inquire into a student's citizenship or immigration status.

A student's enrollment may be denied when the submitted documentation is insufficient to establish district residency. In any such case, the Superintendent or designee shall notify the parent/guardian in writing, including specific reasons for the denial.

Investigation of Residency

When the Superintendent or designee reasonably believes that a student's parent/guardian has provided false or unreliable evidence of residency, he/she may make reasonable efforts to determine that the student meets district residency requirements. An investigation may be initiated when the Superintendent or designee is able to identify specific, articulable facts supporting the belief that the parent/guardian has provided false or unreliable evidence of residency. *(Education Code 48204.1, 48204.2)*

The Superintendent or designee may assign a trained district employee to conduct the investigation. The investigation may include the examination of records, including public records, and/or interviews of persons who may have knowledge of the student's residency.

If necessary, the Superintendent or designee may employ the services of a private investigator to conduct the investigation. Before hiring a private investigator, the Superintendent or designee shall make other reasonable efforts to determine whether the student resides in the district. *(Education Code 48204.2)*

The investigation shall not include the surreptitious collection of photographic or videographic images of persons or places subject to the investigation. However, the use of technology is not prohibited if done in open and public view. *(Education Code 48204.2)*

Any employee or contractor engaged in the investigation shall truthfully identify himself/herself as an investigator to individuals contacted or interviewed during the course of the investigation. *(Education Code 48204.2)*

Appeal of Enrollment Denial

If the Superintendent or designee, upon investigation, determines that a student does not meet district residency requirements and denies the student's enrollment in the district, he/she shall provide the student's parent/guardian an opportunity to appeal that determination. *(Education Code 48204.2)*

The Superintendent or designee shall send the student's parent/guardian written notice specifying the basis for the district's determination. This notice shall also inform the parent/guardian that he/she may, within 10 school days, appeal the decision and provide new evidence of residency.

The burden shall be on the parent/guardian to show why the district's determination to deny enrollment should be overruled. *(Education Code 48204.2)*

A student who is currently enrolled in the district shall be allowed to remain in attendance at his/her school pending the results of the appeal. A student who is not currently enrolled in the district shall not be permitted to attend any district school unless his/her appeal is successful.

In an appeal to the Superintendent of a determination that district residency requirements were not met, the Superintendent shall review any evidence provided by the parent/guardian or obtained during the district's investigation and shall make a decision within 10 school days of receipt of the parent/guardian's request for the appeal. The Superintendent's decision shall be final.

Enrollment Not Requiring District Residency

When approved by the Board and the appropriate agency, the district may enroll students from other countries who are in the United States on an F-1 visa or are participating in an international exchange program under the sponsorship of a government-approved agency.

The district may enroll a nonresident student living in an adjoining state or foreign country in accordance with *Education Code 48050-48052.*

District residency is not required for enrollment in a regional occupational center or program if there are openings in the program or class. (*Education Code 52317)*

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: December 19, 2017 Morgan Hill, California

District Residency AR 5111.1

Criteria for Residency

A student shall be deemed to have complied with district residency requirements for enrollment in a district school if he/she meets any of the following criteria:

1. The student's parent/guardian resides within district boundaries. *(Education Code 48200)*
2. The student is placed within district boundaries in a regularly established licensed children's institution, a licensed foster home, or a family home pursuant to a court-ordered commitment or placement. *(Education Code 48204)*
3. The student has been admitted through an interdistrict attendance option, *(Education Code 46600, 48204, 48301, 48356)*
4. The student is an emancipated minor residing within district boundaries. *(Education Code 48204)*
5. The student lives with a caregiving adult within district boundaries and the caregiving adult submits an affidavit to that effect. *(Education Code 48204)*

   A Caregiver's Authorization Affidavit constitutes a sufficient basis for determination of residency of a minor, without the requirement of a guardianship or other custody order, unless the school district determines from actual facts that the minor is not living with the caregiver.

   The school district may require additional reasonable evidence of the caregiver's residence address.

6. The student resides in a state hospital located within district boundaries. *(Education Code 48204)*
7. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (*Education Code 48207, 48204)*

8. The student's parent/guardian resides outside district boundaries but is employed within district boundaries and lives with the student for a minimum of three days during the school week. *(Education Code 48204)*

9. The student's parent/guardian, while on active military duty pursuant to an official military order, is transferred or is pending transfer to a military installation within the state *(Education Code 48204.3)*

   (cf. 6173.2 - Education of Children of Military Families)

10. A pupil complies with the residency requirements for school attendance in a school district if he or she is a pupil whose parent or parents were residents of this state and have departed California against their will and if the pupil seeks admission to a school of a school district, shall be admitted by the governing board of the school district regardless of his or her current residency, if that pupil meets both of the following requirements:

    (1) The pupil has a parent or guardian who departed California against his or her will. The pupil shall provide official documentation evidencing the departure of his or her parent or guardian.

    (2) The pupil moved outside of California as a result of his or her parent or guardian departing California against his or her will and the pupil lived in California immediately before moving outside of California. The pupil shall provide information and evidence demonstrating that the pupil was enrolled in a public school in California immediately before moving outside of California. *(Education Code 48204.4)*

Proof of Residency

The Superintendent or designee shall annually verify each student's district residency status and retain a copy of the document or written statement offered as verification in the student's mandatory permanent record. *(5 CCR 432)*

The district shall not solicit or collect information or documents regarding the citizenship or immigration status of students or their family members for the purpose of determining residency within the district. *(Education Code 234.7)*

Evidence of residency may be established by documentation showing the name and address of the parent/guardian within the district, including, but not limited to, any of the following: *(Education Code 48204.1)*

1. Property tax payment receipt
2. Rental property contract, lease, or payment receipt
3. Utility service contract, statement, or payment receipt
4. Pay stub

5. Voter registration
6. Correspondence from a government agency
7. Declaration of residency executed by the student's parent/guardian
8. If the student is an unaccompanied youth as defined in 42 USC 11434a, a declaration of residency executed by the student.

The Superintendent or designee shall make a reasonable effort to secure evidence that a homeless or foster youth resides within the district, including, but not limited to, a utility bill, letter from a homeless shelter, hotel/motel receipt, or affidavit from the student's parent/guardian or other qualified adult relative.

However, a homeless or foster youth shall not be required to provide proof of residency as a condition of enrollment in district schools. *(Education Code 48852.7, 48853.5; 42 USC 11432)*

Any homeless or foster youth or student cannot be denied enrollment in school solely on the basis that he or she has had contact with the juvenile justice system even if he/she is unable to provide proof of residency. *(Education Code 48645.5, 48852.7, 48853.5; 42 USC 11432)*

9. If the student is residing in the home of a caregiving adult within district boundaries, an affidavit executed by the caregiving adult in accordance with Family Code 6552

A parent/guardian who is transferred or pending transfer into a military installation within the state shall provide proof of residence in the district within 10 days after the published arrival date provided on official documentation. For this purpose, he/she may use as his/her address a temporary on-base billeting facility, a purchased or leased home or apartment, or federal government or public-private venture off-base military housing. *(Education Code 48204.3)*

A student whose parent/guardian's departure from the state occurred against his/her will pursuant to item #10 in the section "Criteria for Residency" above shall be in compliance with district residency requirements if he/she provides official documentation of the parent/guardian's departure and evidence demonstrating that the student was enrolled in a public school in California immediately before moving outside the state. *(Education Code 48204.4)*

Failure to Verify Residency

When the Superintendent or designee reasonably believes that a student's parent/guardian has provided false or unreliable evidence of residency, he/she may make reasonable efforts to determine that the student meets district residency requirements. (*Education Code 48204.1)*

If the Superintendent or designee, upon investigation, determines that a student's enrollment or attempted enrollment is based on false or unreliable evidence of residency, he/she shall deny or revoke the student's enrollment. Before any such denial or revocation is final, the parent/guardian shall be sent written notice of the facts leading to the decision. This notice also shall inform the parent/guardian that he/she may provide new material evidence of residency, in writing, to the Superintendent or designee within 10 school days. The Superintendent or designee shall review any new evidence and make a final decision within 10 school days.

Safe at Home/Confidential Address Program

When a student or parent/guardian participating in the Safe at Home program requests that the district use the substitute address designated by the Secretary of State, the Superintendent or designee shall use the substitute address for all future communications and correspondence and shall not include the actual address in the student's file or any other public record. The Superintendent or designee may request the actual residence address for the purpose of establishing residency within district boundaries. (Government Code 6206, 6207)

Regulation approved: June 19, 2018

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

District Residency E 5111.1

Caregiver's Authorization Affidavit

The Caregiver's Authorization Affidavit declaration does not affect the rights of the minor's parents/guardians regarding the care, custody, and control of the minor, and does not mean that the caregiver has legal custody of the minor.

A person who relies on this affidavit has no obligations to make any further inquiry or investigation.

This affidavit is not valid for more than one year after the date on which it is executed.

The caregiver is required to sign an affidavit under penalty of perjury.

Use of this affidavit is authorized by Part 1.5 (commencing with Section 6550) of Division 11 of the California Family Code.

Instructions: Completion of items 1-4 and the signing of the affidavit is sufficient to authorize enrollment of a minor in school and authorize school-related medical care. Completion of items 5-8 is additionally required to authorize any other medical care. This affidavit is not valid for more than one year after the date on which it is executed. Print Clearly.

The minor named below lives in my home and I am 18 years of age or older.

1. Name of Minor: _____
2. Minor's Date of Birth: _____
3. My name (adult giving authorization): _____
4. My home address: _____

5. ☐ I am a grandparent, aunt, uncle, or other qualified relative of the minor (see below of this form for a definition of "qualified relative").

Check one or both (for example, if one parent was advised and the other cannot be located):

☐ I have advised the parent(s) or other person(s) having legal custody of the minor of my intent to authorize medical care, and have received no objection.

☐ I am unable to contact the parent(s) or other person(s) having legal custody of the minor at this time, to notify them of my intended authorization.

My date of birth: _____

My California Driver's License or Identification Card Number: _____

Warning: Do not sign this form if any of the statements above are incorrect, or you will be committing a crime punishable by a fine, imprisonment, or both.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____ Signed: _____

Notices:

1. This declaration does not affect the rights of the minor's parents or legal guardian regarding the care, custody, and control of the minor, and does not mean that the caregiver has legal custody of the minor.
2. A person who relies on this affidavit has no obligation to make any further inquiry or investigation.
3. This affidavit is not valid for more than one year after the date on which it is executed.
4. The caregiver is required to sign affidavit under penalty of perjury.

Additional Information:

To Caregivers:

1. "Qualified relative", for purposes of item 5, means a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great", or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.

2. The law may require you, if you are not a relative or a currently licensed foster parent, to obtain a foster home license in order to care for a minor. If you have any questions, please contact your local department of social services.

3. If the minor stops living with you, you are required to notify any school, health care provider, or health care service plan to which you have given this affidavit.

4. If you do not have the information requested in item 8 (California driver's license or I.D.), provide another form of identification such as your social security number or Med-Cal number.

To School Officials:

1. Section 48204 of the Education Code provides that this affidavit constitutes a sufficient basis for determination of residency of the minor, without the requirement of a guardianship or other custody order, unless the school district determines from actual facts that the minor is not living with the caregiver.

2. The school district may require additional reasonable evidence that the caregiver lives at the address provided in item 4.

To Health Care Provider and Health Care Service Plans:

1. No person who acts in good faith, reliance upon a caregiver's authorization affidavit to provide medical or dental care, without actual knowledge of facts contrary to those stated on the affidavit, is subject to criminal liability or to civil liability to any person, or is subject to professional disciplinary action, for such reliance if the applicable portions of the form are completed.

2. This affidavit does not confer dependency for health care coverage purposes.

Exhibit
version: August 13, 2001
reviewed: November 13, 2012

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Residency Based on Parent/Guardian Employment AR 5111.12

Applications for Admission into District Schools

For purposes of determining eligibility for enrollment in a district school, district residency status may be granted to a student if at least one of his/her parents/guardians is physically employed within district boundaries for a minimum of 10 hours during the school week. (*Education Code 48204)*

When applying for admission, the parent/guardian shall submit proof of the employment to the Superintendent or designee. This evidence may include, but not be limited to, a paycheck stub or letter from his/her employer listing an actual address within district boundaries. Documentation listing only a post office box as an address shall not be accepted.

Such evidence shall also indicate the number of hours per school week that the parent/guardian is employed at that location.

The Superintendent or designee may deny enrollment based on parent/guardian employment if any of the following circumstances exists:

1. The additional cost of educating the student would exceed the amount of additional state aid received as a result of the transfer. *(Education Code 48204)*

2. Enrollment of the student would adversely affect the district's court-ordered or voluntary desegregation plan. (*Education Code 48204)*

3. The school facilities are overcrowded at the relevant grade level.

4. Other circumstances exist that are not arbitrary. *(Education Code 48204)*

Students enrolled in the district on the basis of parent/guardian employment shall not be required to reapply for enrollment in subsequent school years. Such students may continue to attend school in the district through the highest grade offered by the district, if the parent/guardian so chooses and if at least one of the student's parents/guardians continues to be physically employed within district boundaries, subject to the restrictions specified in items #1-4 above. *(Education Code 48204)*

The Superintendent or designee shall annually request the student's parent/guardian to provide evidence of the employment in order to determine the student's continuing eligibility for enrollment.

Requests for Transfers out of District Schools

When a student requests a transfer out of the district on the grounds that his/her parent/guardian is employed within the boundaries of another district, the Superintendent or designee may disallow the transfer for either of the following reasons: *(Education Code 48204)*

1. The difference between the number of students entering and exiting the district on the basis of parent/guardian employment exceeds the limits prescribed in *Education Code 48204.*

2. The transfer would negatively impact the district's court-ordered or voluntary desegregation plan.

Notifications

Whenever a student's application for a transfer into or out of the district is denied, the Superintendent or designee shall notify the parent/guardian in writing, including specific reasons for the denial.

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
approved: November 13, 2012 Morgan Hill, California

Nonresident Foreign Students AR 5111.2

Definitions

F-1 Visa Students: An F-1 visa student is a nonimmigrant visa category intended for use by nonresident aliens whose primary purpose for visiting the United States is to study at an academic school. (8 USC 1184)

J-1 Visa Students: A J-1 visa student is a nonimmigrant exchange student who has come to the United States to study for a specific period of time under the sponsorship of a government approved agency. (8 USC 1184)

Nonimmigrant foreign students may be admitted to the United States for a temporary stay for the purpose of study.

F-1 Visa Students

On a case-by-case basis, students with or seeking an F-1 visa designation shall be accepted for admission to district schools in grades 9-12.

In determining whether to admit the student, the Superintendent or designee shall consider whether the following conditions exist: (8 CFR 214.3, 22 CFR 41.61)

1. A suitable program exists at the school the student has selected
2. The student's English proficiency is sufficient for successful study at that school
3. Space is available
4. The student has provided proof of financial responsibility

In addition, the student shall also submit evidence that he/she has been fully immunized in accordance with California law.

A student shall be admitted for a maximum of one year. In addition, a student granted admission under this program shall pay the district the full, unsubsidized per-student cost of attendance at the secondary school. (8 USC 1184)

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: February 7, 2017 Morgan Hill, California

Education For English Learners AR 6174

English learner means a student who is age 3-21 years, who is enrolled or is preparing to enroll in an elementary or secondary school, and whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the student the ability to meet state academic standards, the ability to successfully achieve in classrooms where the language of instruction is English, or the opportunity to participate fully in society. An English learner may include a student who was not born in the United States or whose native language is a language other than English; a student who is Native American or Alaska Native, or a native resident of the outlying areas, who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or a student who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant. (Education Code 306; 20 USC 7801)

Designated English language development means instruction provided during a time set aside in the regular school day for focused instruction on the state-adopted English language development standards to assist English learners to develop critical English language skills necessary for academic content learning in English. (5 CCR 11300)

Integrated English language development means instruction in which the state-adopted English language development standards are used in tandem with the state-adopted academic content standards. Integrated English language development includes specially designed academic instruction in English. (5 CCR 11300)

Native speaker of English means a student who has learned and used English in his/her home from early childhood and English has been his/her primary means of concept formation and communication. (Education Code 306)

Identification and Assessments

Upon enrollment in the district, each student's primary language shall be determined through the use of a home language survey. (Education Code 52164.1; 5 CCR 11307)

Any student who is identified as having a primary language other than English as determined by the home language survey, and who has not previously been identified as an English learner by a California public school or for whom there is no record of results from an administration of an English language proficiency test, shall be initially assessed for English proficiency using the English Language Proficiency Assessments for California (ELPAC). (Education Code 313, 52164.1; 5 CCR 11511)

Each year after a student is identified as an English learner and until he/she is redesignated as English proficient, the summative assessment of the ELPAC shall be administered to the student during a four-month period after January 1 as determined by the California Department of Education. (Education Code 313)

The ELPAC shall be administered in accordance with test publisher instructions and 5 CCR 11518.5-11518.20. Variations and accommodations in test administration may be provided to English learners pursuant to 5 CCR 11518.30-11518.35.

Any student with a disability who is identified as an English learner shall be allowed to take the assessment with those accommodations for testing that the student has regularly used during instruction and classroom assessment as delineated in the student's individualized education program (IEP) or Section 504 plan. If the student is unable to participate in the assessment or a portion of the assessment even with such accommodations, an alternate assessment for English language proficiency shall be administered to the student as set forth in his/her IEP. (5 CCR 11518.25-11518.35; 20 USC 1412)

The Superintendent or designee shall notify parents/guardians of their child's results on the ELPAC within 30 calendar days following receipt of the results from the test contractor. (Education Code 52164.1; 5 CCR 11511.5)

The parent/guardian of a student participating in, or identified for participation in a language instruction program supported by federal Title I or Title III funds shall receive notification of the assessment of his/her child's English proficiency. Such notice shall be provided not later than 30 calendar days after the beginning of the school year or, if the student is identified for program participation during the school year, within two weeks of the student's placement in the program. The notice shall include all of the following: (Education Code 313.2, 440; 20 USC 6312)

1. The reason for the identification of the student as an English learner and the need for placement in a language acquisition program

2. The level of English proficiency, how the level was assessed, and the status of the student's academic achievement

3. A description of the language acquisition program in which the student is, or will be, participating,

including a description of all of the following:

a. The methods of instruction used in the program and in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction

b. The manner in which the program will meet the educational strengths and needs of the student

c. The manner in which the program will help the student develop his/her English proficiency and meet age-appropriate academic standards for grade promotion and graduation

d. The specific exit requirements for the program, the expected rate of transition from the

e. program into classes not tailored for English learners, and the expected rate of graduation from secondary school if applicable

f. Where the student has been identified for special education, the manner in which the program meets the requirements of the student's IEP

4. As applicable, the identification of a student as a long-term English learner or at risk of becoming a long-term English learner, as defined in Education Code 313.1, and the manner in which the program for English language development instruction will meet the educational strengths and needs of such students and help such students develop English proficiency and meet age-appropriate academic standards

5. Information about the parent/guardian's right to have the student immediately removed from a program upon the parent/guardian's request

6. Information regarding a parent/guardian's option to decline to enroll the student in the program or to choose another program or method of instruction, if available

7. Information designed to assist a parent/guardian in selecting among available programs, if more than one program or method is offered

Language Acquisition Programs

Whenever parents/guardians of enrolled students, and those enrolled for attendance in the next school year, request that the district establish a specific language acquisition program in accordance with Education Code 310, such requests shall be addressed through the following process: (5 CCR 11311)

1. The school shall make a written record of each request, including any request submitted verbally, that includes the date of the request, the names of the parent/guardian and student making the request, a general description of the request, and the student's grade level on the date of the request. As needed, the school shall assist the parent/guardian in clarifying the request. All requests shall be maintained for at least three years from the date of the request.

2. The school shall monitor requests on a regular basis and notify the Superintendent or designee when the parents/guardians of at least 30 students enrolled in the school, or at least 20 students in

the same grade level, request the same or a substantially similar type of language acquisition program. If the requests are for a multilingual program model, the district shall consider requests from parents/guardians of students enrolled in the school who are native English speakers in determining whether this threshold is reached.

3. If the number of parents/guardians described in item #2 is attained, the Superintendent or designee shall:

   a. Within 10 days of reaching the threshold, notify the parents/guardians of students attending the school, the school's teachers, administrators, and the district's English learner parent advisory committee and parent advisory committee, in writing, of the requests for a language acquisition program

   b. Identify costs and resources necessary to implement any new language acquisition program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development for the proposed program, and opportunities for parent/guardian and community engagement to support the proposed program goals

   c. Within 60 calendar days of reaching the threshold number of parents/guardians described in item #2 above, determine whether it is possible to implement the requested language acquisition program and provide written notice of the determination to parents/guardians of students attending the school, the school's teachers, and administrators

   d. If a determination is made to implement the language acquisition program, create and publish a reasonable timeline of actions necessary to implement the program. If a determination is made that it is not possible to implement the program, provide a written explanation of the reason(s) the program cannot be provided.

The district shall notify parents/guardians at the beginning of each school year or upon the student's enrollment regarding the process to request a language acquisition program, including a dual language immersion program, for their child. The notice shall also include the following: (5 CCR 11309, 11310)

1. A description of the programs provided, including structured English immersion

2. Identification of any language to be taught in addition to English when the program includes instruction in a language other than English

3. The manner in which the program is designed using evidence-based research and includes both designated and integrated English language development

4. The manner in which the district has allocated sufficient resources to effectively implement the program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development, and opportunities for parent/guardian and community engagement to support the program goals

5. The manner in which the program will, within a reasonable period of time, lead to language proficiency and achievement of the state-adopted content standards in English and, when the program includes instruction in another language, in that other language

6. The process to request establishment of a language acquisition program not offered at the school

7. For any dual-language immersion program offered, the specific languages to be taught. The notice also may include the program goals, methodology used, and evidence of the proposed program's effectiveness.

Reclassification/Redesignation

The district shall continue to provide additional and appropriate educational services to English learners for the purposes of overcoming language barriers until they: (5 CCR 11302)

1. Demonstrate English language proficiency comparable to that of the district's average native English language speakers

2. Recoup any academic deficits which may have been incurred in other areas of the core curriculum as a result of language barriers

English learners shall be reclassified as fluent English proficient when they are able to comprehend, speak, read, and write English well enough to receive instruction in an English language mainstream classroom and make academic progress at a level substantially equivalent to that of students of the same age or grade whose primary language is English and who are in the regular course of study. (Education Code 52164.6)

The measures used to determine whether an English learner shall be reclassified as fluent English proficient shall include, but not be limited to: (Education Code 313, 52164.6; 5 CCR 11303)

1. Assessment of English language proficiency using an objective assessment instrument, including, but not limited to, the ELPAC

2. Participation of the student's classroom teacher and any other certificated staff with direct responsibility for teaching or placement decisions related to the student

3. Parent/guardian opinion and consultation

    a. The Superintendent or designee shall provide the parent/guardian with notice and a description of the reclassification process and of his/her opportunity to participate in the process and shall encourage his/her involvement in the process.

4. Student performance on an objective assessment of basic skills in English that shows whether the student is performing at or near grade level

The Superintendent or designee shall monitor the progress of reclassified students to ensure their correct classification and placement. (5 CCR 11304)

The Superintendent or designee shall monitor students for at least four years following their reclassification to determine whether the student needs any additional academic support.

Advisory Committee

A parent/guardian advisory committee shall be established at the district level when there are more than

50 English learners in the district and at the school level when there are more than 20 English learners at the school. Parents/guardians of English learners shall constitute committee membership in at least the same percentage as English learners represent of the total number of students in the school. (Education Code 52176; 5 CCR 11308)

The district's English language advisory committee shall advise the Governing Board on at least the following tasks: (5 CCR 11308)

1. The development of a plan for education programs and services for English learners, taking into consideration the school site plans for English learners

2. The districtwide needs assessment on a school-by-school basis

3. Establishment of a district program, goals, and objectives for programs and services for English learners

4. Development of a plan to ensure compliance with applicable teacher or aide requirements

5. Administration of the annual language census

6. Review of and comment on the district's reclassification procedures

In order to assist the advisory committee in carrying out its responsibilities, the Superintendent or designee shall ensure that committee members receive appropriate training and materials. This training shall be planned in full consultation with the members. (5 CCR 11308)

LCAP Advisory Committee

When there are at least 15 percent English learners in the district, with at least 50 students who are English learners, a district-level English learner parent advisory committee shall be established to review and comment on the district's local control and accountability plan (LCAP) in accordance with BP 0460 - Local Control and Accountability Plan. The committee shall be composed of a majority of parents/guardians of English learners. (Education Code 52063; 5 CCR 11301, 15495)

The advisory committee established pursuant to 5 CCR 11308, as described in the section "Advisory Committee" above, could serve as the LCAP English learner advisory committee if its composition includes a majority of parents/guardians of English learners.

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
Approved: June 19, 2019 Morgan Hill, California

Continuation Education AR 6184

Program Components

The district's continuation education program shall include the following components:

1. Curriculum that prepares students to meet the course requirements for graduation prescribed in Education Code 51224-51225.3 (5 CCR 11004)

2. A plan to coordinate instruction and training in the continuation education program with students'

parents/guardians, employment, and other agencies (5 CCR 11003)

3. Instruction based on individual student needs as determined by counseling and coordination services (5 CCR 11002)

4. Personal guidance in matters affecting students' personal, social, and educational adjustment (5 CCR 11001)

5. Occupational guidance to prepare students for future employment opportunities (5 CCR 11001)

6. Placement in suitable employment whenever students can benefit from such employment, and follow-up visitations at places of employment to determine the effectiveness of the guidance and placement services (5 CCR 11001)

7. Regular home contacts and parent conferences when students are not succeeding in the continuation program (5 CCR 11001)

8. Regular contacts with students enrolled for only four hours per week and all students suspended from continuation education, with the intent of eventually returning them to the full-time continuation education program (5 CCR 11001)

9. Regular communication with all parents/guardians regarding their child's progress in the educational program

10. Opportunities for parent/guardian and community involvement in school activities and program planning

11. Student support services that may include, but are not limited to, academic support services, health services or referrals, child care and development services for the children of enrolled students, and/or prevention and intervention services for alcohol or substance abuse

12. Professional development that includes opportunities for teachers to continually improve their instructional and classroom management skills

13. Efforts to ensure school safety and promote a positive school climate

Involuntary Transfer

A decision to transfer a student involuntarily into continuation education classes shall be based on a finding that the student meets either of the following conditions: (Education Code 48432.5)

1. The student committed an act enumerated in Education Code 48900.

2. The student has been habitually truant or irregular in attendance from instruction he/she is lawfully required to attend.

Involuntary transfer to a continuation school shall be made only when other means fail to bring about student improvement. However, a student may be involuntarily transferred the first time he/she commits an act enumerated in Education Code 48900 if the principal determines that the student's presence causes a

danger to persons or property or threatens to disrupt the instructional process. (Education Code 48432.5)

Prior to an involuntary transfer, the student and parent/guardian shall be given written notice that they may request a meeting with the Superintendent or designee. (Education Code 48432.5)

At the meeting, the student or parent/guardian shall be informed of the specific facts and reasons for the proposed transfer. The student or parent/guardian shall have the opportunity to inspect all documents relied upon, question any evidence and witnesses presented, and present evidence on the student's behalf. The student may designate one or more representatives and witnesses to be present with him/her at the meeting. (Education Code 48432.5)

A written decision to transfer, stating the facts and reasons for the decision, shall be sent to the student and parent/guardian. It shall indicate whether the decision is subject to periodic review and the procedure for such review. (Education Code 48432.5)

The persons making the final decision for involuntary transfer shall not be members of the staff of the school in which the student is enrolled at the time. (Education Code 48432.5)

No involuntary transfer to a continuation school shall extend beyond the end of the semester following the semester when the acts leading to the involuntary transfer occurred. (Education Code 48432.5)

Voluntary Enrollment

As space permits, students who meet the eligibility criteria specified in Board policy may voluntarily enroll in a continuation school. A student may be considered for placement in the continuation school whenever his/her parent/guardian submits a written request to the Superintendent or designee or the student is referred by a counselor or school administrator.

Approval of a student's voluntary transfer shall be based on a finding that the placement will promote the educational interests of the student. (Education Code 48432.3)

Voluntary enrollment shall be subject to the following conditions: (Education Code 48432.3, 48432.5)

1. A student's voluntary placement in continuation education shall not be used as an alternative to expulsion unless alternative means of correction have been attempted pursuant to Education Code 48900.5.
2. The district shall strive to ensure that no specific group of students, including a group based on race, ethnicity, language status, or special needs, is disproportionately enrolled in continuation education within the district.
3. A copy of this administrative regulation and accompanying Board policy shall be provided to a student whose voluntary transfer to a continuation school is under consideration and to his/her parent/guardian.
4. Before a student is transferred and upon request by his/her parent/guardian, the parent/guardian may meet with a counselor, principal, or administrator from both the school that the student is currently attending and the continuation school to determine if transferring is the best option for the student.
5. To the extent possible, voluntary transfer to a continuation school shall occur within the first four weeks of each semester.
6. A student who is voluntarily enrolled in continuation education may return to the regular high school at the beginning of the following school year, or at any other time with the consent of the Superintendent or designee.

Intake and Orientation

Upon voluntary or involuntary transfer to a continuation education program, an intake meeting shall be conducted with each student and his/her parent/guardian. At this meeting, the principal or counselor shall provide information about each course and number of credits that the student needs to complete in order to graduate and shall develop an individualized academic plan for the student. The student, and his/her parent/guardian as appropriate, shall sign a contract indicating their commitment to these objectives.

In addition, at the beginning of each school year, the district coordinator for continuation education or designee, school counselor(s), or other designee(s) shall provide an orientation session for all incoming students and their parents/guardians in order to help them understand the credit recovery process and establish expectations for student conduct and participation. As appropriate, extended orientation sessions may be provided to assist students in developing academic, social, communication, anger management, or other skills necessary to success in school.

Minimum Attendance Requirement

In continuation high schools and classes, a day of attendance shall be at least 180 minutes. (Education Code 46170)

Each student shall attend classes for not less than 15 hours per week. However, if a student gives satisfactory proof of regular employment, he/she may attend classes for not less than four hours per week for the regular school term. These requirements may be met by any combination of attendance in a continuation education class and/or regional occupational center or program. (Education Code 46170, 48402, 48400)

Leaves of Absence

A student enrolled in compulsory continuation education classes may take a leave of absence for up to two semesters for the purpose of supervised travel, study, training, or work in accordance with law, Board policy, and administrative regulation. (Education Code 48416)

Reenrollment

Any person age 16 or 17 years who terminated his/her enrollment in continuation school after obtaining a certificate of proficiency may reenroll in the district once without prejudice. If the student leaves a second time, the Superintendent or designee may deny reenrollment until the beginning of the next semester. (Education Code 48414)

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
Approved: 06/23/2015 Morgan Hill, California

Career Technical Education BP 6178

The Governing Board desires to provide a comprehensive career technical education (CTE) program in the secondary grades which integrates core academic instruction with technical and occupational instruction in order to increase student achievement, graduation rates, and readiness for postsecondary

education and employment. The district's CTE program shall be designed to help students develop the academic, career, and technical skills needed to succeed in a knowledge- and skills-based economy. The program shall include a rigorous academic component and provide students with a strong experience and understanding of all aspects of an industry.

The district's CTE program shall focus on preparing students to enter current or emerging high-skill, high-wage, and/or high-demand occupations. CTE opportunities may be offered through linked learning programs, partnership academies, apprenticeship programs or orientation to apprenticeships, regional occupational centers or programs, tech prep programs, charter schools, small learning communities, or other programs that expose students to career options while preparing them for future careers in a given industry or interest area.

The Board shall review and approve all district plans and applications for the use of state and/or federal funds supporting CTE.

The Board shall adopt district standards for CTE which meet or exceed the state's model content standards and describe the essential knowledge and skills that students enrolled in these courses are expected to master. The course curriculum shall be aligned with district-adopted standards and the state's curriculum framework.

At least every three years, the Board shall compare the district's curriculum, course content, and course sequence of CTE with the model state curriculum standards. (Education Code 52376)

The Superintendent or designee shall systematically review the district's CTE classes to determine the degree to which each class may offer an alternative means for completing and receiving credit for specific portions of the course of study prescribed by the district for high school graduation. The Board shall ensure that these classes are equivalent in content and rigor to the courses prescribed for graduation. (Education Code 52376)

The Superintendent or designee shall develop partnerships with local businesses and industries to ensure that course sequences, career technical and integrated curriculum, classroom instruction and projects, and assessments have real-world relevance and reflect labor market needs and priorities. He/she also shall work to develop connections with businesses, postsecondary institutions, community organizations, and/or other employers to provide students with actual or simulated work-based learning opportunities.

The Superintendent or designee shall collaborate with postsecondary institutions to ensure that the district's program is articulated with postsecondary programs in order to provide a sequential course of study. Articulation opportunities may include dual or concurrent enrollment in community college courses.

The Superintendent or designee shall inform all secondary students and their parents/guardians about the CTE experiences available in the district, CTE courses that satisfy college admission criteria, and, if applicable, CTE courses that satisfy high school graduation requirements. In addition, secondary students shall receive individualized career guidance and academic counseling which provides information about academic and CTE opportunities related to the student's career goals.

The Superintendent or designee shall ensure that teachers of CTE courses possess the qualifications and credentials necessary to teach their assigned courses. He/she also may provide teachers and administrators with professional development designed to enhance their knowledge of standards-aligned

CTE and may provide opportunities for CTE teachers to collaborate with teachers of academic courses in the development and implementation of integrated curriculum models.

The Superintendent or designee may provide counselors and other guidance personnel with professional development that includes, but is not limited to, information about current workforce needs and trends, requirements of the district's CTE program, work-based learning opportunities, and postsecondary education and employment options following high school.

Upon written request from a nonprofit private school within the geographical area served by the district, the private school representatives may consult with the Superintendent or designee in a timely and meaningful manner if requesting for participation in the district's programs. The Superintendent or designee may provide for the participation of private school secondary students in the district's programs and activities funded under the federal Carl D. Perkins Career and Technical Education Act. To the extent practicable, the Superintendent or designee also may, upon the request from private school representatives, permit participation of CTE teachers, administrators, and other personnel from private schools in the district's in-service and preservice professional development programs funded through the Perkins Act. (20 USC 2397)

The Superintendent or designee may regularly assess district needs for facilities, technologies, and equipment to increase students' access to the district's CTE program.

Nondiscrimination

The district's program shall provide equal access to and shall not unlawfully discriminate against students who are members of special populations. Special populations include, but are not limited to, students with disabilities; students from economically disadvantaged families, including foster youth; single parents and sing le pregnant females; displaced homemakers; students with limited English proficiency; and students preparing for nontraditional fields. Nontraditional fields include occupations or fields of work, including careers in computer science, technology, and other emerging high-skill occupations, for which individuals from one gender constitute less than 25 percent of the individuals employed in each such occupation or field of work. (20 USC 2302, 2354, 2373)

Prior to the beginning of each school year, the Superintendent or designee may advise students, parents/guardians, employees, and the general public that all CTE opportunities are offered without regard to any actual or perceived characteristic protected from discrimination by law. (34 CFR 100.B, 104.8, 106.9)

The above notification may be disseminated in languages other than English as needed and shall state that the district will take steps to ensure that the lack of English language skills will not be a barrier to admission and participation in the district's CTE program. (20 USC 2354; 34 CFR 100.B)

School and Community Involvement

The Board shall appoint a CTE advisory committee to develop recommendations on the district's CTE program and to serve as a liaison between the district and potential employers. The committee shall consist of at least one student, teacher, business representative, industry representative, school administrator, member of the general public knowledgeable about the disadvantaged, and representative of the field office of the California Employment Development Department. (Education Code 8070)

The district also may involve parents/guardians; students; academic and CTE teachers; administrators; career guidance and academic counselors; representatives of tech prep consortia if applicable, business and industry, labor organizations, and special populations; and other interested individuals in the development, implementation, and evaluation of CTE programs. (20 USC 2354)

Program Evaluation

The Board may monitor the achievement of students participating in the district's CTE program in order to determine the need for program improvements. The Superintendent or designee may annually report to the Board and the California Department of Education on program enrollment and completion rates, including enrollment and completion of programs in nontraditional fields as defined in 20 USC 2302; student academic assessment results; attainment of career and technical skill proficiencies; attainment of a high school diploma or equivalent; graduation rates; and subsequent placement in postsecondary education or advanced training, military service, or employment. Data shall be disaggregated, in accordance with 20 USC 2323, by race, ethnicity, gender, disability status, migrant status, English proficiency, and economic disadvantage status and for each special population as defined in 20 USC 2302 and listed in the section subsequent placement in postsecondary education or advanced training, military service, or employment. Data shall be disaggregated, in accordance with 20 USC 2323, by race, ethnicity, gender, disability status, migrant status, English proficiency, and economic disadvantage status and for each special population as defined in 20 USC 2302 and listed in the section "Nondiscrimination" above.

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
Approved: November 13, 2012 Morgan Hill, California

Instruction

BP 6163.4

STUDENT USE OF TECHNOLOGY

Student Use of Technology

The Governing Board intends that technological resources provided by the district be used in a safe, responsible, and proper manner in support of the instructional program and for the advancement of student learning. All students using these resources shall receive instruction in their proper and appropriate use.

The Superintendent of designee shall notify students and parents/guardians about authorized uses of district technology, user obligations and responsibilities, and consequences for unauthorized use and/or unlawful activities in accordance with district regulations and the district's Acceptable use Agreement.

District technology includes any equipment or device that stores or communicates data or information by any technology means.

Before a student is authorized to use the district's technological resources, the student and his/her parent/guardian shall sign and return the Morgan Hill Unified School District's Computer/Internet/Email Acceptable Use Agreement specifying user obligations and responsibilities. In that agreement, the student and his/her parent/guardian shall agree not to hold the district or any district staff responsible for the failure of any technology protection measures, materials acquired by the student on the system,

violations of copyright restrictions, or user mistakes or negligence. They shall also agree to indemnify and hold harmless the district and district personnel for any damages or costs incurred.

The Superintendent or designee shall regularly review and update this policy, the accompanying administrative regulation, and other relevant procedures to enhance the safety and security of students using the district's technological resources and to help ensure that the district adapts to changing technologies and circumstances. These shall ensure that users have no expectation of privacy and understand that district staff may monitor or examine all system activities to ensure proper use of the system. In addition, because the Internet contains an unregulated collection of resources, the district cannot guarantee the accuracy of the information or the appropriateness of any material that a student may encounter.

The district reserves the right to monitor student use of technology within the jurisdiction of the district without advance notice or consent. Students shall be informed that their use of district technology, including, but not limited to, computer files, email, text messages, instant messaging, and other electronic communications, is not private and may be accessed by the district for the purpose of ensuring proper use. Students have no reasonable expectation of privacy in use of the district technology. Students' personally owned devices shall not be searched except in cases where there is a reasonable suspicion, based on specific and objective facts, that the search will uncover evidence of a violation of law, district policy, or school rules.

The Superintendent or designee may gather and maintain information pertaining directly to school safety or student safety from the social media activity of any district student in accordance with Education Code 49073.6 and BP/AR 515 – Student Records.

Whenever a student is found to have violated Board policy or the district's Acceptable Use Agreement, the principal or designee may cancel or limit a student's user privileges or increase supervision of the student's use of the district's equipment and other technological resources, as appropriate. Inappropriate use also may result in disciplinary action and/or legal action in accordance with law and Board policy.

Use of District Computers for Online Services/Internet Access

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that blocks or filters Internet access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measures is enforced. (20 USC 6777, 47 USC 254)

Teachers, administrators, and/or library media specialists are expected to review the technological resources and online sites that will be used in the classroom or assigned to students in order to ensure that they are appropriate for the intended purpose and the age of the students.

To reinforce these measures, the Superintendent or designee shall implement rules and procedures designed to restrict students' access to harmful or inappropriate matter on the Internet and to ensure that students do not engage in unauthorized or unlawful online activities. Staff shall supervise students while they are using online services and may have teacher aides, student aides, and volunteers assist in this supervision.

The Superintendent or designee also shall establish regulations to address the safety and security of students and student information when using email, chat rooms, and other forms of direct electronic communication.

The district's Acceptable Use Agreement shall establish expectations for appropriate student conduct when using the Internet or other forms of electronic communication, including, but not limited to, prohibitions against:

1. Accessing, posting, submitting, publishing, or displaying harmful or inappropriate matter that is threatening, obscene, disruptive, or sexually explicit, or that could be construed as harassment or disparagement of others based on their race/ethnicity, national origin, sex, gender, sexual orientation, age, disability, religion, or political beliefs
2. Intentionally uploading, downloading, or creating computer viruses and/or maliciously attempting to harm or destroy district equipment or materials or manipulate the data of any other user, including so-called "hacking"
3. Distributing personal identification information, including the name, address, telephone number, Social Security number, or other personally identifiable information, of another student, staff member, or other person with the intent to threaten, intimidate, harass, or ridicule that person

The Superintendent or designee shall provide age-appropriate instruction regarding safe and appropriate behavior on social networking sites, chat rooms, and other internet services. Such instruction shall include, but not be limited to, the dangers of posting personal information online, misrepresentation by online predators, how to report inappropriate or offensive content or threats, behaviors that constitute cyberbullying, and how to respond when subjected to cyberbullying.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
Approved: September 5, 2017 Morgan Hill, California

Community Relations BP 1100

COMMUNICATION WITH THE PUBLIC

The Governing Board recognizes the district's responsibility to keep the public informed regarding the goals, programs, achievements, and needs of the schools and district and to be responsive to the concerns and interests of the community. The Superintendent or designee shall establish strategies for effective two-way communications between the district and the public and shall consult with the Board regarding the role of Board members as advocates for the district's students, programs, and policies.

The Superintendent or designee shall provide the Board and staff with communications protocols and procedures to assist the district in presenting a consistent, unified message on district issues. Such protocols and procedures may include, but are not limited to, identification of the spokesperson(s) authorized to speak to the media on behalf of the district, strategies for coordinating communications efforts and activities, and legal requirements pertaining to confidentiality as well as the public's right to access records.

The Superintendent or designee shall utilize a variety of methods to provide information to the public with access to information. Such methods may include, but are not limited to, district and school newsletters, web sites, social media, electronic communications, mailings, notices sent home with students, recorded telephone messages for parent/guardian information, community forums and public events, news releases, meetings with education reporters and editorial boards, presentations at parent organization meetings, and meetings with representatives of local governments, community organizations, and businesses.

of all members of the public, including individuals with disabilities and those whose primary language is not English.

The Superintendent or designee may provide staff members with professional development to assist them in effectively responding to requests for information or assistance by parents/guardians or members of the public.

The Superintendent or designee shall provide multiple avenues and opportunities for members of the public to give input on district and school issues and operations. Community members are encouraged to become involved in school activities, participate on district and school committees, provide input at Board meetings, submit suggestions to district staff, and use the district's complaint procedures as appropriate.

Mass Mailings at Public Expense

Newsletters or mass mailings regarding ballot measures, candidates, legislative activities, or any other campaign activities shall be sent and distributed in accordance with law and Board policy.

A mass mailing is prohibited if all of the following criteria are met: (Government Code 89001-89002)

1. The mailing involves sending a tangible item, such as a videotape, record, button, or written document, which is delivered by any means to recipients at their residence, place of employment or business, or post office box.
2. The item features a Board member or includes the name, office, photograph, or other reference to a Board member and is prepared or sent in cooperation, consultation, coordination, or concert with the Board member.
3. The costs of distribution, or any costs of design, production, and printing exceeding $50, are paid with district funds.
4. More than 200 substantially similar items, as defined in Government Code 89002, are sent in a single calendar month.

The above prohibition does not apply to the types of mass mailings specified in Government Code 89002(b), including, but not limited to: (Government Code 89002)

1. An item in which the Board member's name appears only in a roster containing the names of all Board members or in the letterhead or logotype of the stationery, forms, and envelopes of the district, a district committee, or the Board member
2. An announcement including only a single mention of the Board member's name which concerns a public meeting related to the Board member's duties or any official district event(s) for which the district is providing the use of its facilities, staff, or other financial support
3. A business card that contains only one mention of the Board member's name and no photograph of the Board member

However, any of the excepted mailings listed in items #1-3 above that meets the criteria for prohibited mass mailings shall not be sent within 60 days preceding an election in which a Board member to whom the mailing relates will appear on the ballot as a candidate. (Government Code 89003)

As appropriate for each issue, target audiences may include parents/guardians, the media, local governmental agencies, businesses, community organizations and civic groups, postsecondary

institutions, health care professionals, child care providers, community leaders, state or federal legislators or agencies, and/or other segments of the public.

The plan shall incorporate strategies for effective communications during a crisis or other emergency situation that may arise.

The Superintendent or designee shall periodically evaluate the implementation and effectiveness of the district's communications plan and recommend to the Board whether the goals and key issues identified in the plan need to be revised to meet changing circumstances or priorities.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: March 19, 2019 Morgan Hill, California

Identification And Reporting of Missing Children AR 5142.1

Notices of Missing Children

Every school shall post in an appropriate area the monthly poster on missing children provided by the Department of Justice (DOJ). For elementary schools, the poster shall be posted in an area restricted to adults. (Education Code 38139; Penal Code 14208)

If a law enforcement agency notifies the district that a child enrolled in the district has been reported missing, the principal or designee of the school in which the child is enrolled shall place a notice on the front of the child's school record indicating that he/she has been reported missing. If a school receives a record inquiry or request from any person or entity regarding a missing child about whom the school has been notified, the principal or designee shall immediately notify the law enforcement agency that informed the school of the missing child's status. (Education Code 49068.6)

Reporting Missing Children

Any district employee who recognizes a child who has been reported missing through a DOJ notice, an Amber Alert, or other means shall immediately notify law enforcement using the hotline telephone number listed.

In the event that a district employee witnesses a child abduction, he/she shall immediately contact law enforcement and provide the agency with information on the location of the abduction and a description of the victim, the suspect, and any vehicle involved. He/she shall also notify the Superintendent or designee who shall implement steps, as needed, to ensure the safety of other students.

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: 11/12/2012 Morgan Hill, California

Certification BP 4112.2

The Governing Board recognizes that the district's ability to provide a high-quality educational program

is dependent upon the employment of certificated staff who are adequately prepared and have demonstrated proficiency in basic skills and in the subject matter to be taught. The Superintendent or designee shall ensure that persons employed to fill positions requiring certification qualifications possess the appropriate credential, permit, or other certification document from the Commission on Teacher Credentialing (CTC) and fulfill any additional state, federal, or district requirements for the position.

The Superintendent or designee may provide assistance and support to teachers holding preliminary credentials to help them meet the qualifications required for the clear credential.

Priorities for Hiring Based on Unavailability of Credentialed Teacher

The Superintendent or designee shall make reasonable efforts to recruit a fully prepared teacher for each assignment. Whenever a teacher with a clear or preliminary credential is not available, the Superintendent or designee shall make reasonable efforts to recruit an individual for the assignment in the following order: (Education Code 44225.7)

1. A candidate who is qualified to participate in and enrolls in an approved intern program in the region of the district

2. A candidate who is scheduled to complete preliminary credential requirements within six months and who holds a provisional internship permit (PIP) or short-term staff permit issued by the CTC The Board shall approve, as an action item at a public Board meeting, a notice of its intent to employ a PIP applicant for a specific position. (5 CCR 80021.1)

3. As a last resort, an individual who holds an emergency permit issued by the CTC or for whom a credential waiver has been granted by the CTC

Prior to requesting that the CTC issue an emergency permit pursuant to item #3 above or a limited assignment permit which allows a fully credentialed teacher to teach outside of his/her area of certification while working toward an added or supplementary authorization, the Board shall annually approve a Declaration of Need for Fully Qualified Educators. The Declaration of Need shall be approved by the Board as an action item at a regularly scheduled public Board meeting, with the entire Declaration of Need being included in the Board agenda. (Education Code 44225, 44225.7; 5 CCR 80023.2, 80026, 80027, 80027.1)

The Declaration of Need shall certify that there is an insufficient number of certificated persons who meet the district's specified employment criteria for the position(s) and that the district has made reasonable efforts to recruit individuals who meet the qualifications specified in items #1-2 above. The Declaration of Need shall also indicate the number and type of emergency permits that the district estimates it will need during the valid period of the Declaration of Need, based on the previous year's actual needs and projections of enrollment. Whenever the actual number of permits needed exceeds the estimate by 10 percent, the Board shall revise and resubmit the Declaration of Need. (5 CCR 80026)

Whenever it is necessary to employ noncredentialled teachers to fill a position requiring certification qualifications, the Superintendent or designee shall provide support and guidance in accordance with law to ensure the quality of the instructional program.

National Board for Professional Teaching Standards Certification

The Board encourages district teachers to voluntarily complete the requirements for the advanced certification awarded by the National Board for Professional Teaching Standards.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: 06/23/2015 Morgan Hill, California

Local Control and Accountability Plan BP 0460

The Governing Board desires to ensure the most effective use of available funding to improve outcomes for all students. A comprehensive, data-driven planning process shall be used to identify annual goals and specific actions which are aligned with the district budget and facilitate continuous improvement of district practices.

The Board shall adopt a districtwide local control and accountability plan (LCAP) and an annual update to the LCAP, based on the most up-to-date template adopted by the State Board of Education (SBE), that addresses the state priorities in Education Code 52060 and any local priorities adopted by the Board. The LCAP and the annual update shall be adopted or updated, as required, on or before July 1 of each year. (Education Code 52060, 52064; 5 CCR 15494-15497)

The LCAP and the annual update shall focus on improving outcomes for all students, particularly those who are "unduplicated students" or are part of any numerically significant student subgroup that is at risk of or is underperforming. (Education Code 52060, 52064)

An "unduplicated student" is a student who is eligible for free or reduced-price meals, who is an English learner, or who is a foster youth, as defined in Education Code 42238.01. (Education Code 42238.02)

Numerically significant student subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, long-term English learners, students with disabilities, foster youth, and students experiencing homelessness, when there are at least 30 students in the subgroup or at least 15 foster youth, students experiencing homelessness, or long-term English learners. (Education Code 52052)

The LCAP shall also include focused goals, as specified in Education Code 52064, for each school generating local control funding formula (LCFF) equity multiplier funds.

Beginning July 1, 2027, if the district is identified by the California Department of Education (CDE) as needing an improvement plan pursuant to 34 CFR 300.600-300.647, the Board shall adopt, and update on an annual basis, an Individual with Disabilities Education Act (IDEA) Addendum, based on the template adopted by SBE. However, if the district adopts an improvement plan after being identified, but before July 1, 2027, the IDEA Addendum shall be developed upon expiration of the adopted improvement plan, but no later than July 1, 2030, whichever occurs first. The IDEA Addendum shall be developed, reviewed, and approved in conjunction with and in the same manner as the LCAP and the annual update, and shall be submitted to CDE within 15 days of adoption by the Board. (Education Code 52064.3)

The Superintendent or designee shall review the school plan for student achievement (SPSA) submitted by each district school pursuant to Education Code 64001 to ensure that the specific actions included in the LCAP are consistent with strategies included in the SPSA. (Education Code 52062)

The LCAP shall also be aligned with other district and school plans, to the extent possible, in order to minimize duplication of effort and provide clear direction for program implementation.

As part of the adoption of the LCAP and the annual update, the Board shall separately adopt a LCFF budget overview for parents/guardians, based on the template developed by SBE, which includes specified information relating to the district's budget. The budget overview shall be adopted, reviewed, and approved in the same manner as the LCAP and the annual update. (Education Code 52064.1)

Advisory Committees

The Board shall establish a parent advisory committee, which shall be composed of a majority of parents/guardians and shall include parents/guardians of unduplicated students and parents/guardians of students with disabilities. (Education Code 52063; 5 CCR 15495)

Whenever district enrollment includes at least 15 percent English learners, with at least 50 students who are English learners, the Board shall establish an English Learner Parent Advisory Committee, which shall be composed of a majority of parents/guardians of English learners. (Education Code 52063; 5 CCR 15495)

The District English Learner Advisory Committee (DELAC) may serve as the district's LCAP English Learner Parent Advisory Committee, as specified in Administrative Regulation 6174 - Education for English Learners.

Unless a student advisory committee is established to provide advice to the Board and Superintendent, two students shall be included as full members of the parent advisory committee. The students shall serve for a renewable term of one full school year. (Education Code 52063)

Student members of the parent advisory committee or the student advisory committee shall represent the diversity of the district's students, including geographical, socioeconomic, cultural, physical, and educational diversity, and particular effort shall be made to reach out to at-risk or disadvantaged students to serve as members of such committees. (Education Code 52063)

The Superintendent or designee shall present the LCAP and the annual update to each of these committee(s) before they are submitted to the Board for adoption, and shall respond in writing to comments received from the committee(s).

LCAP Development and Consultation

The Superintendent or designee shall gather data and information needed for effective and meaningful development of the LCAP and present it to the Board and community. Such data and information shall include, but not be limited to, data regarding the number of students in student subgroups, disaggregated data on student achievement levels, and information about current programs and expenditures.

The Board shall consult with teachers, principals, administrators, other school personnel, employee bargaining units, parents/guardians, and students in developing the LCAP and the annual update. Consultation with students shall enable unduplicated students and other numerically significant student

subgroups to review and comment on LCAP development and may include surveys of students, student forums and committees, and/or meetings with student government bodies or other groups representing students. (Education Code 52060; 5 CCR 15495)

As part of the parent/guardian and community engagement process, the district shall solicit input on effective and appropriate instructional methods, including, but not limited to, establishing language acquisition programs to enable all students, including English learners and native English speakers, to have access to the core academic content standards and to become proficient in English. (Education Code 305-306)
The Superintendent or designee shall consult with the administrator(s) of the special education local plan area of which the district is a member to ensure that specific actions for students with disabilities are included in the LCAP and are consistent with strategies included in the annual assurances support plan for the education of students with disabilities. (Education Code 52062)

The Superintendent or designee shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the LCAP and the annual update. The notification shall be provided using the most efficient method of notification possible, which may not necessarily include producing printed notices or sending notices by mail. All written notifications related to the LCAP and the annual update shall be provided in the primary language of parents/guardians when required by Education Code 48985. (Education Code 52062)

The Board shall hold at least one public hearing to solicit the recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the LCAP and the annual update. The public hearing shall be held at the same meeting as the budget hearing required pursuant to Education Code 42127 and Board Policy 3100 - Budget. (Education Code 52062)

Adoption and Submission

The Board shall adopt the LCAP and the annual update prior to adopting the district budget, but at the same public meeting. This meeting shall be held after the public hearing described above, but not on the same day as the hearing. (Education Code 52062)

Not later than five days after adoption of the LCAP, the annual update, the district budget, and the budget overview for parents/guardians, the Board shall file the LCAP, the annual update, the budget, and the budget overview with the County Superintendent of Schools. (Education Code 42127, 52064.1, 52070)

If the County Superintendent sends, by August 15, a written request for clarification of the contents of the LCAP and the annual update, the Board shall respond in writing within 15 days of the request. If the County Superintendent, then submits recommendations for amendments within 15 days of receiving the Board's response, the Board shall consider those recommendations in a public meeting within 15 days of receiving the recommendations. (Education Code 52070)

If the County Superintendent does not approve the district's LCAP and the annual update, the Board shall accept technical assistance from the County Superintendent focused on revising the LCAP and the annual update so that they can be approved. (Education Code 52071)

If the Board is unable to review local indicator data due to any emergency specified in Education Code 46392, the local indicator data shall be reviewed at the next Board meeting, and a resolution describing

the emergency event and the date on which the local indicator data was reviewed shall be adopted and submitted to CDE. (Education Code 52064.5)

Revisions

The Board may adopt revisions to the LCAP and the annual update at any time during the period in which it is in effect, provided the Board follows the process to adopt the LCAP and the annual update pursuant to Education Code 52062 and the revisions are adopted in a public meeting.

Monitoring Progress and Complaints

The Superintendent or designee shall report to the Board, at least annually in accordance with the timeline and indicators established by the Superintendent and the Board, regarding the district's progress toward attaining each goal identified in the LCAP. Evaluation shall include, but not be limited to, an assessment of district and school performance reported on the California School Dashboard. Evaluation data shall be used to recommend any necessary revisions to the LCAP.

Any complaint that the district has not complied with legal requirements pertaining to the LCAP may be filed pursuant to Administrative Regulation 1312.3 - Uniform Complaint Procedures. (Education Code 52075)

Technical Assistance

If the district's LCAP and the annual update are not approved, the district shall accept technical assistance or other intervention that may be required pursuant to Education Code 52071.

Policy adopted: 03/19/2019

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Comprehensive Safety Plan AR 0450

Development and Review of Comprehensive School Safety Plan

The school site council shall consult with local law enforcement, the local fire department, and other first responders in the writing and development of the comprehensive school safety plan. When practical, the school site council shall also consult with other school site councils and safety committees. (Education Code 32281, 32282)

The school site council may delegate the responsibility for developing a comprehensive safety plan to a school safety planning committee composed of the following members: (Education Code 32281)

1. The principal or designee
2. One teacher who is a representative of the recognized certificated employee organization
3. One parent/guardian whose child attends the school
4. One classified employee who is a representative of the recognized classified employee organization
5. Other members, if desired

Before adopting the comprehensive safety plan, the school site council or school safety planning

committee shall hold a public meeting at the school in order to allow members of the public the opportunity to express an opinion about the plan. (Education Code 32288)

The school site council or safety planning committee shall notify, in writing, the following persons and entities of the public meeting: (Education Code 32288)

1. The local mayor
2. A representative of the local school employee organization
3. A representative of each parent organization at the school, including the parent teacher association and parent teacher clubs
4. A representative of each teacher organization at the school
5. A representative of the school's student body government
6. All persons who have indicated that they want to be notified

In addition, the school site council or safety planning committee may notify, in writing, the following entities of the public meeting: (Education Code 32288)

1. Representatives of local religious organizations
2. Local civic leaders
3. Local business organizations

Content of the Safety Plan

Each comprehensive safety plan shall include an assessment of the current status of any crime committed on campus and at school-related functions. (Education Code 32282)

The assessment may include, but not be limited to, reports of crime, suspension and expulsion rates, and surveys of students, parents/guardians, and staff regarding their perceptions of school safety.

The plan shall identify appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including all of the following: (Education Code 32282)

1. Child abuse reporting procedures consistent with Penal Code 11164-11174.3
2. Routine and emergency disaster procedures including, but not limited to:
   a. Adaptations for students with disabilities in accordance with the Americans with Disabilities
   b. An earthquake emergency procedure system in accordance with Education Code 32282
   c. A procedure to allow public agencies, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare
3. Policies pursuant to Education Code 48915(d) for students who commit an act listed in Education Code 48915(c) and other school-designated serious acts that would lead to suspension, expulsion, or mandatory expulsion recommendations
4. Procedures to notify teachers of dangerous students pursuant to Education Code 49079
5. A policy consistent with the prohibition against discrimination, harassment, intimidation, and bullying pursuant to Education Code 200-262.4
6. If the school has adopted a dress code prohibiting students from wearing "gang-related apparel" pursuant to Education Code 35183, the provisions of that dress code and the definition of "gang-related

apparel"

7. Procedures for safe ingress and egress of students, parents/guardians, and employees to and from school
8. A safe and orderly school environment conducive to learning
9. The rules and procedures on school discipline adopted pursuant to Education Code 35291 and 35291.5
10. Procedures for conducting tactical responses to criminal incidents, including procedures related to individuals with guns on campus and at school-related functions

Regulation
adopted: 03/29/2019

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Research BP 6162.8

The Governing Board recognizes the value of academic research to improve educational programs and practices. Researchers shall respect the privacy rights of students, including their right to refrain from participation in research projects in accordance with law, Board policy and administrative regulation.

The Superintendent or designee may authorize research projects within the district by outside groups or persons when such research is aligned with district goals and objectives and is likely to benefit the district without disrupting the school program.

The Superintendent or designee shall ensure that parents/guardians receive prior notification of any surveys or evaluations that collect personal student information and that consent is obtained in accordance with law.

Policy
adopted: 11/13/2012

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Student Records AR 5125

Definitions

Student means any individual who is or has been in attendance at the district and regarding whom the district maintains student records. (34 CFR 99.3)

Attendance includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunication technologies for students who are not physically present in the classroom, and the period during which a person is working under a work-study program. (34 CFR 99.3)

Student records are any items of information (in handwriting, print, tape, film, computer, or other medium) gathered within or outside the district that are directly related to an identifiable student and

maintained by the district, required to be maintained by an employee in the performance of the employee's duties, or maintained by a party acting for the district. Any information maintained for the purpose of second-party review is considered a student record. Student records include the student's health record. (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

Student records do not include: (Education Code 49061, 49062; 34 CFR 99.3)

1. Directory information

2. Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute employee

3. Records of the law enforcement unit of the district, subject to 34 CFR 99.8

4. Records created or received by the district after an individual is no longer a student and that are not directly related to the individual's attendance as a student

5. Grades on peer-graded papers before they are collected and recorded by a teacher

Mandatory permanent student records are those records which are maintained in perpetuity and which schools have been directed to compile by state law, regulation, or administrative directive. (5 CCR 430)

Mandatory interim student records are those records which the schools are directed to compile and maintain for specified periods of time and are then destroyed in accordance with state law, regulation, or administrative directive. (5 CCR 430)

Permitted student records are those records having clear importance only to the current educational process of the student. (5 CCR 430)

Disclosure means to permit access to, or the release, transfer, or other communication of personally identifiable information contained in student records to any party, except the party that provided or created the record, by any means including oral, written, or electronic. (34 CFR 99.3)

Access means a personal inspection and review of a record or an accurate copy of a record, or receipt of an accurate copy of a record or an oral description or communication of a record, and a request to release a copy of any record. (Education Code 49061)

Personally identifiable information includes, but is not limited to: (34 CFR 99.3)

1. The student's name

2. The name of the student's parent/guardian or other family members

3. The address of the student or student's family

4. A personal identifier, such as the student's social security number, student number, or biometric record (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting)

5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name

6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty

7. Information requested by a person who the district reasonably believes knows the identity of the student to whom the student record relates

Adult student is a person who is or was enrolled in school and who is at least 18 years of age. (5 CCR 430)

Parent/guardian means a natural parent, an adopted parent, legal guardian, surrogate parent, or foster parent. (Education Code 49061, 56050, 56055)

Legitimate educational interest is an interest held by any school official, employee, contractor, or consultant whose official duties, responsibilities, or contractual obligations to the district, whether routine or as a result of special circumstances, require access to information contained in student records.

School officials and employees are officials or employees, including teachers, whose duties and responsibilities to the district, whether routine or as a result of special circumstances, require access to student records. (34 CFR 99.31)

Contractor or consultant is anyone with a formal written agreement or contract with the district regarding the provision of services or functions outsourced by the district. Contractor or consultant shall not include a volunteer or other party. (Education Code 49076)

Custodian of records is the employee responsible for the security of student records maintained by the district and for devising procedures for assuring that access to such records is limited to authorized persons. (5 CCR 433)

County placing agency means the county social service department or county probation department. (Education Code 49061)

Persons Granted Absolute Access

In accordance with law, absolute access to any student records shall be granted to:

1. Parents/guardians of students younger than age 18 years, including the parent who is not the student's custodial parent (Education Code 49069; Family Code 3025)

2. An adult student, or a student under the age of 18 years who attends a postsecondary institution, in which case the student alone shall exercise rights related to the student's records and grant consent for the release of records (34 CFR 99.3, 99.5)

3. Parents/guardians of an adult student with disabilities who is age 18 years or older and has been declared incompetent under state law (Education Code 56041.5)

Access for Limited Purpose/Legitimate Educational Interest

The following persons or agencies shall have access to those particular records that are relevant to their legitimate educational interest or other legally authorized purpose:

1. Parents/guardians of a dependent child as defined under 26 USC 152 (Education Code 49076; 34 CFR 99.31)

2. Students who are age 16 or older or who have completed the 10th grade (Education Code 49076)

3. School officials and employees, consistent with the definition provided in the section "Definitions" above (Education Code 49076; 34 CFR 99.31)

4. Members of a school attendance review board (SARB) appointed pursuant to Education Code 48321 who are authorized representatives of the district and any volunteer aide age 18 or older who has been investigated, selected, and trained by the SARB to provide follow-up services to a referred student (Education Code 49076)

5. Officials and employees of other public schools, school systems, or postsecondary institutions where the student intends or is directed to enroll, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided, or where the student is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer (Education Code 49076; 34 CFR 99.31)

Unless the annual parent/guardian notification issued pursuant to Education Code 48980 includes a statement that the district may disclose students' personally identifiable information to officials of another school, school system, or postsecondary institution where the student seeks or intends to enroll, the Superintendent or designee shall, when such a disclosure is made, make a reasonable attempt to notify the parent/guardian or adult student at the last known address, provide a copy of the record that is disclosed, and give the parent/guardian or adult student an opportunity for a hearing to challenge the record. (34 CFR 99.34)

6. The Student Aid Commission, to provide the grade point average (GPA) of all district students in grade 12 and, when required, verification of high school graduation or its equivalent of all students who graduated in the prior academic year, for use in the Cal Grant postsecondary financial aid program. However, such information shall not be submitted when students opt out or are permitted by the rules of the Student Aid Commission to provide test scores in lieu of the GPA. (Education Code 69432.9, 69432.92)

No later than January 1 each year, the Superintendent or designee shall notify each student in grade 11, and the student's parents/guardians if the student is under age 18 years, that the student's GPA will be forwarded to the Student Aid Commission by October 1 unless the student opts out within a period of time specified in the notice, which shall not be less than 30 days. (Education Code 69432.9)

Students' social security numbers shall not be included in the submitted information unless the Student Aid Commission deems it necessary to complete the financial aid application and the Superintendent or designee obtains permission from the student's parent/guardian, or from the adult student, to submit the social security number. (Education Code 69432.9)

7. Federal, state, and local officials, as needed for an audit or evaluation of, or compliance with, a state or federally funded education program and in accordance with a written agreement developed pursuant to 34 CFR 99.35 (Education Code 49076; 34 CFR 99.3, 99.31, 99.35)

8. Any county placing agency acting as an authorized representative of a state or local educational agency which is required to audit or evaluate a state or federally supported education program pursuant to item #7 above (Education Code 49076)

9. Any person, agency, or organization authorized in compliance with a court order or lawfully issued subpoena (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

Unless otherwise instructed by the court, the Superintendent or designee shall, prior to disclosing a record pursuant to a court order or subpoena, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested, if lawfully possible within the requirements of the judicial order. (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

10. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition (Education Code 49076)

11. A district attorney's office for consideration against a parent/guardian for failure to comply with compulsory education laws (Education Code 49076)

12. Any probation officer, district attorney, or counsel of record for a student who is a minor for the purposes of conducting a criminal investigation or an investigation in regards to declaring the minor a ward of the court or involving a violation of a condition of probation, subject to evidentiary rules specified in Welfare and Institutions Code 701 (Education Code 49076)

When disclosing records for these purposes, the Superintendent or designee shall obtain written certification from the recipient of the records that the information will not be disclosed to another party without prior written consent of the student's parent/guardian or the holder of the student's educational rights, unless specifically authorized by state or federal law. (Education Code 49076)

13. Any judge or probation officer for the purpose of conducting a truancy mediation program for a student or for the purpose of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code 681 (Education Code 49076)

In such cases, the judge or probation officer shall certify in writing to the Superintendent or designee that the information will be used only for truancy purposes. Upon releasing student information to a judge or probation officer, the Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours. (Education Code 49076)

14. A foster family agency with jurisdiction over a currently enrolled or former student; short-term residential treatment program staff responsible for the education or case management of a student; or a caregiver who has direct responsibility for the care of a student, including a certified or licensed foster parent, an approved relative or nonrelated extended family member, or a resource family, as defined (Education Code 49076)

Such individuals shall have access to the student's current or most recent records of grades, transcripts,

attendance, discipline, online communication on platforms established by schools for students and parents/guardians, and any individualized education program or Section 504 plan developed and maintained by the district (Education Code 49069.3)

15. A student age 14 years or older who is both a homeless student and an unaccompanied minor as defined in 42 USC 11434a (Education Code 49076)

16. An individual who completes items #1-4 of the caregiver's authorization affidavit pursuant to Family Code 6552 and signs the affidavit for the purpose of enrolling a minor in school (Education Code 49076)

17. A caseworker or other representative of a state or local child welfare agency or tribal organization that has legal responsibility in accordance with state or tribal law for the care and protection of a student, provided that the individual is authorized by the agency or organization to receive the records and the information requested is directly related to providing assistance to address the student's educational needs (Education Code 49076; 20 USC 1232(g))

18. Appropriate law enforcement authorities, in circumstances where Education Code 48902 requires that the district provide special education and disciplinary records of a student with disabilities who is suspended or expelled for committing an act violating Penal Code 245 (Education Code 48902, 49076)

When disclosing such records, the Superintendent or designee shall obtain written certification by the recipient of the records as described in item #12 above. (Education Code 49076)

19. Designated peace officers or law enforcement agencies in cases where the district is authorized by law to assist law enforcement in investigations of suspected criminal conduct or kidnapping and a written parental consent, lawfully issued subpoena, or court order is submitted to the district, or information is provided to it indicating that an emergency exists in which the student's information is necessary to protect the health or safety of the student or other individuals (Education Code 49076.5)

In such cases, the Superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another public school district in California or any other state or to a California private school. (Education Code 49076.5)

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act. (Education Code 49076)

In addition, the parent/guardian or adult student may provide written consent for access to be granted to persons, agencies, or organizations not afforded access rights by law. The written consent shall specify the records to be released and the party or parties to whom they may be released. (Education Code 49061, 49075)

Only a parent/guardian having legal custody of the student may consent to the release of records to others.

Either parent/guardian may grant consent if both parents/guardians notify the district, in writing, that such an agreement has been made. (Education Code 49061)

Discretionary Access

At the discretion of the Superintendent or designee, information may be released from a student's records to the following:

1. Appropriate persons, including parents/guardians of a student, in an emergency if the health and safety of the student or other persons are at stake (Education Code 49076; 34 CFR 99.31, 99.32, 99.36)

   When releasing information to any such appropriate person, the Superintendent or designee shall record information about the threat to the health or safety of the student or any other person that formed the basis for the disclosure and the person(s) to whom the disclosure was made. (Education Code 49076; 34 CFR 99.32)

   Unless it would further endanger the health or safety of the student or other persons, the Superintendent or designee shall inform the parent/guardian or adult student within one week of the disclosure that the disclosure was made, of the articulable and significant threat to the health or safety of the student or other individuals that formed the basis for the disclosure, and of the parties to whom the disclosure was made.

2. Accrediting associations in order to carry out their accrediting functions (Education Code 49076; 34 CFR 99.31)

3. Under the conditions specified in Education Code 49076 and 34 CFR 99.31, organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, provided that: (Education Code 49076; 34 CFR 99.31)

   a. The study is conducted in a manner that does not permit personal identification of students or parents/guardians by individuals other than representatives of the organization who have legitimate interests in the information.

   b. The information is destroyed when no longer needed for the purposes for which the study is conducted.

   c. The district enters into a written agreement with the organization that complies with 34 CFR 99.31.

4. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll, subject to the rights of parents/guardians as provided in Education Code 49068 and in compliance with 34 CFR 99.34 (Education Code 49076; 34 CFR 99.31, 99.34)

5. Local health departments operating countywide or regional immunization information and reminder systems and the California Department of Public Health, unless the parent/guardian has requested that no disclosures of this type be made (Health and Safety Code 120440)

6. Contractors and consultants having a legitimate educational interest based on services or functions which have been outsourced to them through a formal written agreement or contract with the district, excluding volunteers or other parties (Education Code 49076)

7. Agencies or organizations in connection with the student's application for or receipt of financial aid, provided that information permitting the personal identification of a student or the student's parents/guardians for these purposes is disclosed only as may be necessary to determine the eligibility of the student for financial aid, determine the amount of financial aid, determine the conditions which will be imposed regarding the financial aid, or enforce the terms or conditions of the financial aid (Education Code 49076; 34 CFR 99.31)

8. County elections officials for the purpose of identifying students eligible to register to vote or offering such students an opportunity to register, subject to the limits set by 34 CFR 99.37 and under the condition that any information provided on this basis shall not be used for any other purpose or transferred to any other person or agency (Education Code 49076; 34 CFR 99.37)

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act. (Education Code 49076)

De-identification of Records

When authorized by law for any program audit, educational research, or other purpose, the Superintendent or designee may release information from a student record without prior consent of the parent/guardian or adult student after the removal of all personally identifiable information. Prior to releasing such information, the Superintendent or designee shall make a reasonable determination that the student's identity is not personally identifiable, whether through single or multiple releases and taking into account other reasonably available information. (Education Code 49074, 49076; 20 USC 1232g; 34 CFR 99.31)

Process for Providing Access to Records

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained at different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians and adult students shall be notified of the location of student records if not centrally located. (Education Code 49069; 5 CCR 433)

The custodian of records shall be responsible for the security of student records and shall ensure that access is limited to authorized persons. (5 CCR 433)

The custodian of records shall develop reasonable methods, including physical, technological, and administrative policy controls, to ensure that school officials and employees obtain access to only those student records in which they have legitimate educational interests. (34 CFR 99.31)

To inspect, review, or obtain copies of student records, authorized persons shall submit a request to the custodian of records. Prior to granting the request, the custodian of records shall authenticate the individual's identity. For any individual granted access based on a legitimate educational interest, the request shall specify the interest involved.

When required by law, a student's parent/guardian or an adult student shall provide written, signed, and dated consent before the district discloses the student record. Such consent may be given through electronic means in those cases where it can be authenticated. The district's consent form shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Upon request by the parent/guardian or adult student, the district shall provide a copy of the records disclosed. (34 CFR 99.30)

If the parent/guardian or adult student refuses to provide written consent for the release of student information, the Superintendent or designee shall not release the information, unless it is otherwise subject to release based on a court order or a lawful subpoena.

Within five business days following the date of request, the authorized person shall be granted access to inspect, review, and obtain copies of student records during regular school hours. (Education Code 49069)

Qualified certificated personnel shall be available to interpret records when requested. (Education Code 49069)

The custodian of records or the Superintendent or designee shall prevent the alteration, damage, or loss of records during inspection. (5 CCR 435)

Access Log

A log shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the record and the legitimate educational interest of the requester. (Education Code 49064)

In every instance of inspection by persons who do not have assigned educational responsibility, the custodian of records shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection. (5 CCR 435)

The custodian of records shall also make an entry in the log regarding any request for record(s) that was denied and the reason for the denial.

The log shall include requests for access to records by:

Parents/guardians or adult students

1. Students who are 16 years of age or older or who have completed the 10th grade
2. Parties obtaining district-approved directory information
3. Parties who provide written parental consent, in which case the consent notice shall be filed with the record pursuant to Education Code 49075
4. School officials and employees who have a legitimate educational interest

Law enforcement personnel seeking to enforce immigration laws

The log shall be open to inspection only by the parent/guardian, adult student, dependent adult student, custodian of records, and certain state or federal officials specified in Education Code 49064. (Education Code 49064; 5 CCR 432)

Duplication of Student Records

To provide copies of any student record, the district may charge a reasonable fee not to exceed the actual cost of providing the copies. No charge shall be made for providing up to two transcripts or up to two verifications of various records for any former student. No charge shall be made to locate or retrieve any student record. (Education Code 49065)

Changes to Student Records

Only a parent/guardian having legal custody of a student or an adult student may challenge the content of a record or offer a written response to a record. (Education Code 49061)

No additions or change shall be made to a student's record after high school graduation or permanent departure, other than routine updating, unless required by law or with prior consent of the parent/guardian or adult student. (Education Code 49062.5, 49070; 5 CCR 437)

When a former student submits a state-issued driver's license, birth certificate, passport, social security card, court order, or other government-issued documentation demonstrating that the former student's legal name and/or gender has changed, the district shall update the former student's records to reflect the updated legal name and/or gender. Upon request by the former student, the district shall reissue any documents conferred upon the former student, including, but not limited to, a transcript, a high school diploma, a high school equivalency certificate, or other similar documents. The district is not required to modify records that the former student has not requested for modification or reissuance. (Education Code 49062.5)

If the former student's name or gender is changed and the requested records are reissued, a new document shall be added to the former student's file that includes all of the following information: (Education Code 49062.5)

1. The date of the request
2. The date the requested records were reissued to the former student
3. A list of the records that were requested by and reissued to the former student
4. The type of documentation, if any, provided by the former student to demonstrate a legal change to the student's name and/or gender
5. The name of the employee who completed the request
6. The current and former names and/or genders of the student

Any former student who submits a request to change the legal name or gender on the student's records but is unable to provide any government-issued documentation demonstrating the legal name or gender change, may request a name or gender change through the process described in Education Code 49070 and AR 5125.3 - Challenging Student Records.

Retention and Destruction of Student Records

All anecdotal information and assessment reports maintained as student records shall be dated and signed by the individual who originated the data. (5 CCR 431)

The following mandatory permanent student records shall be kept indefinitely: (5 CCR 432,437)

1. Legal name of student
2. Date and place of birth and method of verifying birth date
3. Sex of student
4. Name and address of parent/guardian of minor student
   a. Address of minor student if different from the above
   b. Annual verification of parent/guardian's name and address and student's residence
5. Entrance and departure dates of each school year and for any summer session or other extra session
6. Subjects taken during each year, half-year, summer session, or quarter, and marks or credits given towards graduation
7. Verification of or exemption from required immunizations
8. Date of high school graduation or equivalent

Mandatory interim student records, unless forwarded to another district, shall be maintained subject to destruction during the third school year after the school year in which they originated, following a determination that their usefulness has ceased or the student has left the district. These records include: (Education Code 48918, 51747; 5 CCR 432, 437, 16027)

1. Expulsion orders and the causes therefor
2. A log identifying persons or organizations who request or receive information from the student record
3. Health information, including verification or waiver of the health screening for school entry
4. Information on participation in special education programs, including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge
5. Language training records
6. Progress slips/notices required by Education Code 49066 and 49067
7. Parental restrictions/stipulations regarding access to directory information
8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action
9. Parent/guardian authorization or prohibition of student participation in specific programs
10. Results of standardized tests administered within the past three years
11. Written findings resulting from an evaluation conducted after a specified number of missed assignments to determine whether it is in a student's best interest to remain in independent study

Permitted student records may be destroyed six months after the student completes or withdraws from the educational program and their usefulness ceases, including: (5 CCR 432, 437)

1. Objective counselor and/or teacher ratings
2. Standardized test results older than three years
3. Routine disciplinary data
4. Verified reports of relevant behavioral patterns
5. All disciplinary notices
6. Supplementary attendance records

Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction. (5 CCR 437)

Transfer of Student Records

When a student transfers into this district from any other school district or a private school, the Superintendent or designee shall inform the student's parent/guardian of rights regarding student records, including a parent/guardian's right to review, challenge, and receive a copy of student records. (Education Code 49068; 5 CCR 438)

When a student transfers into this district from another district, the Superintendent or designee shall request that the student's previous district provide any records, either maintained by that district in the ordinary course of business or received from a law enforcement agency, regarding acts committed by the transferring student that resulted in the student's suspension or expulsion. (Education Code 48201)

When a student transfers from this district to another school district or to a private school, the Superintendent or designee shall forward a copy of the student's mandatory permanent record within 10 school days of the district's receipt of the request for the student's records. The original record or a copy shall be retained permanently by this district. If the transfer is to another California public school, the student's entire mandatory interim record shall also be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school. (Education Code 48918, 49068; 5 CCR 438)

Upon receiving a request from a county placing agency to transfer a student in foster care out of a district school, the Superintendent or designee shall transfer the student's records to the next educational placement within two business days. (Education Code 49069.5)

All student records shall be updated before they are transferred. (5 CCR 438)

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent/guardian. (5 CCR 438)

If the district is withholding grades, diploma, or transcripts from the student because of damage or loss of school property, this information shall be sent to the requesting district along with the student's records.

Notification of Parents/Guardians

Upon any student's initial enrollment, and at the beginning of each school year thereafter, the Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. If 15 percent or more of the students enrolled in the district speak a single primary language other than English, then the district shall provide these notices in that language. Otherwise, the district shall provide these notices in the student's home language insofar as practicable. The district shall effectively notify parents/guardians or eligible students with disabilities. (Education Code 49063, 48985; 34 CFR 99.7)

The notice shall include: (Education Code 49063; 34 CFR 99.7, 99.34)

1. The types of student records kept by the district and the information contained therein
2. The title(s) of the official(s) responsible for maintaining each type of record
3. The location of the log identifying those who request information from the records
4. District criteria for defining school officials and employees and for determining legitimate educational interest

5. District policies for reviewing and expunging student records

6. The right to inspect and review student records and the procedures for doing so

7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights

8. The cost, if any, charged for duplicating copies of records

9. The categories of information defined as directory information pursuant to Education Code 49073

10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law

11. Availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions, and instructional aims of every course offered by the school

12. Any other rights and requirements set forth in Education Code 49060-49085, and the right of parents/guardians to file a complaint with the U.S. Department of Education concerning an alleged failure by the district to comply with 20 USC 1232g

13. A statement that the district forwards education records to other agencies or institutions that request the records and in which the student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment

In addition, the annual parental notification shall include a statement that a student's citizenship status, immigration status, place of birth, or any other information indicating national origin will not be released without parental consent or a court order.

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: 06/19/2018 Morgan Hill, California

Education Code 49063(k) Notification of the Ability to Review a Prospectus of Each School's Curriculum Upon Request:

The notice shall take a form that reasonably notifies parents of the availability of the following specific information: The availability of the prospectus prepared pursuant to Section 49091.14. The curriculum, including titles, descriptions, and instructional aims of every course offered by a public school, shall be compiled at least once annually in a prospectus. Each school site shall make its prospectus available for review upon request. When requested, the prospectus shall be reproduced and made available. School officials may charge for the prospectus an amount not to exceed the cost of duplication.

Student Records BP 5125

The Governing Board recognizes the importance of keeping accurate, comprehensive student records as required by law.

The Superintendent or designee shall establish administrative regulations governing the identification, collection, retention, and security of student records. These regulations shall ensure the rights of authorized persons to have timely access to student records while maintaining the confidentiality of student records consistent with state and federal law.

The Superintendent or designee shall designate a certificated employee to serve as custodian of records with responsibility for student records at the district level. At each school, the principal or a certificated employee shall be designated as custodian of records for students enrolled at that school. The custodian of

records shall be responsible for implementing Board policy and administrative regulation regarding student records. (5 CCR 431)

All appropriate personnel shall receive training regarding district policies and procedures for gathering and handling sensitive student information.

The district shall not collect or solicit social security numbers or the last four digits of social security numbers of students or their parents/guardians, unless otherwise required to do so by state or federal law. (Education Code 49076.7)

No information or documents regarding the citizenship or immigration status of students or their family members shall be collected, except as required by state or federal law or as required to administer a state or federally supported educational program. The Superintendent or designee shall not disclose student records to a person, agency, or organization for immigration enforcement purposes without parental consent, a court order, or judicial subpoena. If a district employee receives such a request, he/she shall immediately report the request to the Superintendent. The Superintendent shall report the request to the Board in a timely manner that ensures the confidentiality and privacy of any potentially identifying information. (Education Code 234.7)

Student Records from Social Media

The Superintendent or designee may gather and maintain information from the social media of any district student, provided that the district first notifies students and parents/guardians about the proposed program, offers an opportunity for public comment at a regularly scheduled Board meeting, and gathers only information that directly pertains to school safety or student safety. (Education Code 49073.6)

Contract for Digital Storage, Management, and Retrieval of Student Records

The Superintendent or designee may enter into a contract with a third party for the digital storage, management, and retrieval of student records and/or to authorize a third-party provider of digital software to access, store, and use student records, provided that the contract meets the requirements of Education Code 49073.1 and other applicable state and federal laws.

Policy adopted: 06/19/2018

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Release Of Directory Information AR 5125.1

Definition

Directory information means information contained in a student record that would not generally be considered harmful or an invasion of privacy if disclosed. Such student information includes: (Education Code 49061; 20 USC 1232g; 34 CFR 99.3)

1. Name
2. Address
3. Telephone number

4. Email address
5. Date of birth
6. Major field of study
7. Participation record in officially recognized activities and sports
8. Weight and height of athletic team members
9. Dates of attendance
10. Degrees and awards received
11. Most recent previous school attended

Directory information does not include a student's social security number or student identification number. However, directory information may include a student identification number, user identification, or other personal identifier used by the student for purposes of accessing or communicating in electronic systems provided that the identifier cannot be used to gain access to education records except when used in conjunction with a personal identification number, password, or other factor known or possessed only by the authorized user. (34 CFR 99.3)

Directory information also does not include a student's citizenship status, immigration status, place of birth, or any other information indicating national origin.

Notification to Parents/Guardians

At the beginning of each school year, all parents/guardians shall be notified as to the categories of directory information the district plans to release and the recipients of the information. The notification shall also inform parents/guardians of their right to refuse to let the district designate any or all types of information as directory information, how to refuse release, and the period of time within which a parent/guardian must notify the district in writing that he/she does not want a certain category of information designated as directory information. (Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37)

In addition, the annual parental notification shall include a statement that directory information does not include citizenship status, immigration status, place of birth, or any other information indicating national origin and that the district will not release such information without parental consent or a court order.

The Superintendent or designee shall notify parents/guardians that they may request that the district not release the name, address, and telephone number of their child to military recruiters, employers, or institutions of higher education without prior written consent. (20 USC 7908)

Parent/Guardian Consent

Directory information shall not be released regarding any student whose parent/guardian notifies the district in writing that such information not be disclosed without the parent/guardian's prior consent. (Education Code 49073; 20 USC 1232g, 7908)

For a former student, the district shall continue to honor any valid request to opt out of the disclosure of directory information made while the student was in attendance at the district, unless the optout request has been rescinded. (34 CFR 99.37)

The custodial parent/guardian of any student may submit to the Superintendent or designee a written request to correct or remove from his/her child's records any information concerning the child which he/she alleges to be any of the following: (Education Code 49070)

1. Inaccurate
2. An unsubstantiated personal conclusion or inference
3. A conclusion or inference outside of the observer's area of competence
4. Not based on the personal observation of a named person with the time and place of the observation noted
5. Misleading
6. In violation of the privacy or other rights of the student

When a student grade is challenged, the teacher who gave the grade shall be given an opportunity to state orally, in writing, or both, the reasons for which the grade was given. Insofar as practicable, he/she shall be included in all discussions related to any grade change. In the absence of clerical or mechanical error, fraud, bad faith or incompetency, the student's grade as determined by the teacher shall be final. (Education Code 49066)

Within 30 days of receiving a request to correct or remove information from a record, the Superintendent or designee shall meet with the parent/guardian and with the employee (if still employed) who recorded the information in question. The Superintendent shall then sustain or deny the allegations. (Education Code 49070)

If the parent/guardian's allegations are sustained, the Superintendent shall order the correction or removal and destruction of the information. (Education Code 49070)

If the Superintendent denies the allegations, the parent/guardian may write within 30 days to appeal the decision to the Governing Board. Within 30 days of receiving the written appeal, the Board shall meet in closed session with the parent/guardian and the employee (if still employed) who recorded the information in question. The Board shall then decide whether or not to sustain or deny the allegations. If it sustains any or all of the allegations, the Superintendent shall immediately correct or remove and destroy the information from the student's records. (Education Code 49070)

The decision of the Board shall be final. If the decision of the Superintendent or Board is unfavorable to the parent/guardian, the parent/guardian shall have the right to submit a written statement of objections. This statement shall become a part of the student's record. (Education Code 49070)

Both the Superintendent and the Board have the option of appointing a hearing panel to assist in making the decision. The hearing panel may be used at the discretion of the Superintendent or the Board provided that the parent/guardian consents to releasing record information to panel members. (Education Code 49070, 49071)

The right to challenge a record becomes the sole right of the student when the student becomes 18 or attends a postsecondary institution. (Education Code 49061)

At the beginning of each school year, parents/guardians shall be notified of the availability of the above procedures for challenging student records. (Education Code 49063)

School Accountability Report Card BP 0510

The Governing Board recognizes its responsibility to inform parents/guardians and the community about the conditions, needs, and progress at each district school and to provide data by which parents/guardians can make meaningful comparisons between schools. The process of gathering and analyzing data also provides opportunities for school and district staff to review achievements and identify areas for improvement.

The Board shall annually issue a school accountability report card (SARC) for each school site. (Education Code 35256)

In preparing the district's report cards, the Superintendent or designee may choose to use or adapt the model template provided by the California Department of Education. If the model template is not used, the Superintendent or designee shall ensure that data is reported in a manner that is consistent with the definitions for school conditions as provided in the template. At least every three years, the Board shall compare the content of the district's SARCs to the state's model template, recognizing that variances are allowed by law as necessary to meet local needs. (Education Code 33126.1, 35256)

The Board shall annually approve the SARCs for all district schools and shall evaluate the data contained in the SARCs as part of the Board's regular review of the effectiveness of the district's programs, personnel, and fiscal operations.

The Superintendent or designee shall develop strategies for communicating the information contained in the SARCs to all stakeholders, including opportunities for staff and the community to discuss their content.

Notification and Dissemination of SARCs

Annually, on or before February 1 of each year, the Superintendent or designee shall publicize the issuance of the SARCs, make the SARCs available on the district's website, and notify parents/guardians that a hard copy shall be provided upon request. (Education Code 33126, 35256, 35258)

Additionally, when 15 percent or more of a school's students speak a single primary language other than English, the SARC shall be translated into that other

Environmental Safety AR 3514

The Superintendent may designate and train one or more employees to oversee and coordinate the district's environmental safety program(s). The responsibilities of the coordinator(s) shall include, but are not limited to, overseeing assessments of district facilities, recommending strategies for the prevention and mitigation of environmental health risks, ensuring effective implementation of environmental safety strategies, and reporting to the Superintendent regarding the district's progress in addressing environmental safety concerns.

Indoor Air Quality

In order to provide proper ventilation, humidity, and temperature in school facilities and to reduce indoor air contaminants, the following strategies shall be implemented:

1. Mechanically driven heating, ventilation, and air conditioning systems shall be operated continuously during working hours except under the circumstances specified in 8 CCR 5142. The systems shall be inspected at least annually and problems corrected within a reasonable time. Where the air supply is filtered, the filters shall be replaced or cleaned regularly to prevent significant reductions in airflow. Documentation of inspections, tests of ventilation rates, and maintenance shall be retained for at least five years. (8 CCR 5142-5143)

Staff shall ensure that airflow is not obstructed by the blocking of ventilators with posters, furniture, books, or other obstacles.

2. School facilities shall be regularly inspected for water damage, spills, leaks in plumbing and roofs, poor drainage, and improper ventilation so as to preclude the buildup of mold and mildew and prevent accidents due to unsafe conditions. Wet building materials and furnishings shall be dried within 48 hours, if possible, to prevent mold growth. When evidence of mold or mildew is found, maintenance staff shall locate and repair the source of water intrusion and remove or clean moldy materials.

3. Exterior wall and foundation cracks and openings shall be sealed as soon as possible to minimize seepage of radon into buildings from surrounding soils.

4. Least toxic pest management practices shall be used to control and manage pests at school sites. (Education Code 17608-17614; Food and Agriculture Code 13182)

5. A carbon monoxide detector or alarm shall be installed in all school buildings that contain a fuel-burning appliance, fireplace, or forced-air furnace, unless otherwise exempted by state law or regulations. The device or alarm shall be located in close proximity to the appliance in order to accurately detect and alert school personnel of any leakage of carbon monoxide. (24 CCR 915.1-915.7)

6. Schedules and practices for routine housekeeping and maintenance shall be designed to effectively reduce levels of dust, dirt, and debris. Plain water, soap and water, or low-emission cleaning products shall be used whenever possible. Aerosols, including air fresheners and other products containing ozone, shall be avoided to the extent possible.

7. Painting of school facilities and maintenance or repair activities that require the use of potentially harmful substances may be limited to those times when school is not in session. Following any such activity, the facility shall be properly ventilated with adequate time allowed prior to reopening for use by any person.

8. Paints, adhesives, and solvents shall be used and stored in well-ventilated areas. These items shall be purchased in small quantities to avoid storage exposure.

9. To the extent possible, printing and duplicating equipment that may generate indoor air pollutants, such as methyl alcohol or ammonia, shall be placed in locations that are well ventilated and not frequented by students and staff.

10. The district's tobacco-free schools' policy shall be consistently enforced in order to reduce the health risks caused by second-hand smoke.

11. When students or employees are identified as allergic or significantly found sensitive to non-natural environment air irritants such as: furred or feathered animals, stuffed toys that may collect dust mites, scented candles, incense, or air fresheners and from using perfume or cologne, scented deodorants, scented lotion or hair spray, nail polish or nail polish remover, or other personal care products, staff and students may be asked to refrain from bringing common irritants to fragrance-free classrooms, school buses, or other enclosed areas or buildings.

Outdoor Air Quality

The Superintendent or designee may coordinate with the local air resources control board and monitor local health advisories and outdoor air quality alerts to obtain forecasts of ozone levels, particle pollution, ultraviolet radiation levels, and/or temperature and humidity.

Whenever a forecast indicates a significant health risk, the Superintendent or designee shall communicate with each principal so that outdoor activities, especially those requiring prolonged or heavy exertion, may be avoided, limited in duration, or modified as necessary for all persons or for persons who may be particularly susceptible to the health risk involved.

Reduction of Vehicle Emissions

In order to reduce public exposure to toxic air contaminants, school bus drivers and other drivers of commercial motor vehicles shall limit unnecessary idling of vehicles at or near schools in accordance with 13 CCR 2480. The Superintendent or designee may also request parents/guardians to turn off their vehicles when they are idling on school grounds. Students are encouraged to walk, bicycle, or unicycle to school.

Any school bus that is diesel-fueled, dual-fueled, or alternative diesel-fueled and has a gross vehicle weight rating over 14,000 pounds shall be equipped with a particulate filter designed to reduce particulate matter emissions, oxides of nitrogen emissions, and other pollutants. (13 CCR 2025)

Drinking Water Safety

The quality and safety of the district's drinking water sources shall be regularly assessed, and drinking fountains shall be regularly cleaned and maintained, to ensure that drinking water consumed at school does not contain dirt, mold, lead, or other impurities or contaminants that may cause serious health concerns.

Whenever any contaminants in the drinking water are determined to be a concern, the Superintendent or designee shall take reasonable steps to identify the source and mitigate any potential problem to ensure the availability of safe drinking water. As needed, the Superintendent or designee shall provide alternative sources of drinking water, such as bottled water or on-site water filtration, to ensure that students have access to fresh drinking water at mealtimes and at other times throughout the day.

Whenever testing of drinking water finds concentrations of lead that exceed federal and state standards, the Superintendent or designee shall notify parents/guardians and take immediate steps to shut down and make inoperable any fountains or faucets where excess lead levels may exist.

Prevention of Lead Exposure

In addition to testing for the presence of lead in drinking water in district schools, the following steps shall be taken to minimize potential exposure to lead in school facilities:

1. School facilities shall be kept as dust-free and clean as possible.

2. Lead-based paint, lead plumbing and soldiers, or other potential sources of lead contamination shall not be used in the construction of any new school facility or the modernization or renovation of any existing
school facility. (Education Code 32244)

3. Lead exposure hazards shall be evaluated before any renovation or remodeling is begun, and children shall not be allowed in or near buildings in which these activities may create lead dust. Contractors and workers shall comply with state and federal standards related to the handling and disposal of lead debris and the clean-up and containment of dust within the construction area.

4. Lead-based painted surfaces that are in good condition shall be kept intact. If lead-based paint is peeling, flaking, or chalking, contractors or workers shall follow state and federal standards for safe work practices to minimize contamination when removing the paint.

5. Soil with low lead content may be covered with grass, other plantings, concrete, or asphalt. For soil with high lead content, removal and abatement are required.

Any action to abate existing lead hazards shall be taken only by contractors, inspectors, and workers certified by the California Department of Public Health in accordance with 17 CCR 35001-35099. (Education Code 32243)

The Superintendent or designee shall notify parents/guardians, teachers, and staff members if significant risk factors for lead exposure are found. (Education Code 32243)

Prevention of Mercury Exposure

The Superintendent or designee shall identify any mercury-containing products that are present in district facilities and, to the extent possible, shall replace them with mercury-free alternatives.

Staff shall receive information about proper procedures to follow in the event of a mercury spill. Clean-up instructions, a clearly labeled kit with necessary clean-up supplies, and a list of local resources shall be readily accessible.

In the event of a spill, staff shall evacuate all students from the immediate area of the spill, ensure that any clothing or other items with mercury on them remain in the room, open windows to the outside, and close doors to other parts of the school. Staff who are trained in proper clean-up procedures may carefully clean a small spill. As needed for larger or difficult-to-clean spills, the Superintendent or designee shall use an experienced professional referred by the local health department or environmental agency.

Any products containing mercury shall be properly disposed at an appropriate hazardous waste collection facility.

Asbestos Management

The Superintendent shall designate an employee who shall ensure that the district's responsibilities related to asbestos inspection and abatement are implemented in accordance with federal and state regulations. This employee shall receive adequate training to perform these duties, including, as necessary, training on the health effects of asbestos; detection, identification, and assessment of asbestos-containing building materials; options for controlling asbestos-containing building materials; asbestos management programs; and relevant federal and state regulations. (40 CFR 763.84)

The designated employee shall ensure that the district complies with the following requirements:

1. School facilities shall be inspected for asbestos-containing building materials as necessary in accordance with the following:

a. Any school building that is leased, acquired, or otherwise used by the district shall be inspected for asbestos-containing building materials prior to its use as a school building, unless exempted by federal regulations. (40 CFR 763.85, 763.99)

b. At least once every six months, the district shall conduct a periodic surveillance consisting of a visual inspection of each school building that contains or is assumed to contain asbestos-containing building materials. (40 CFR 763.92)

c. At least once every three years, the district shall conduct a re-inspection of all known or assumed asbestos-containing building materials in each school building. (40 CFR 763.85)

2. Based on the results of the inspection, an appropriate response which is sufficient to protect human health and the environment shall be determined from among the options specified in 40 CFR 763.90. The district may select the least burdensome response, taking into consideration local circumstances, including occupancy and use patterns within the school building and economic concerns such as short-term and long-term costs. (40 CFR 763.90)

3. An asbestos management plan for each school site shall be maintained and regularly updated to keep it current with ongoing operations and maintenance, periodic surveillance, inspection, re-inspection, and response action activities. (15 USC 2643; 40 CFR 763.93)

The asbestos management plan shall be available for inspection in district and school offices during normal business hours. Parent/guardian, teacher, and employee organizations shall be annually informed of the availability of these plans. (40 CFR 763.84,763.93)

4. Staff, students, and parents/guardians shall be informed at least once each school year about any inspections, response actions, and post-response actions, including periodic re-inspection and surveillance activities, that are planned or in progress. (40 CFR 763.84)

5. Inspections, re-inspections, periodic surveillance, and response actions, including operations and maintenance, shall be conducted in compliance with state and federal regulations for the protection and safety of workers and all other individuals. (Education Code 49410.5; 40 CFR 763.84, 763.90)

Asbestos inspection and abatement work, preparation of a management plan, and any maintenance activities that may disturb asbestos-containing building materials, except for emergency repairs or

small-scale, short-duration maintenance activities, shall be completed by state-certified asbestos inspectors or contractors. (15 USC 2646; 40 CFR 763.84, 763.85, 763.91)

6. All custodial and maintenance employees shall be properly trained in accordance with applicable federal and/or state regulations. (40 CFR 763.84)

All district maintenance and custodial staff who may work in a building that contains asbestos-containing building materials, regardless of whether they are required to work with such materials, shall receive at least two hours of related asbestos awareness training. New maintenance and custodial staff shall receive such training within 60 days after beginning employment. Any maintenance or custodial staff who conduct activities that will disturb asbestos-containing building materials shall receive 14 hours of additional training. The trainings shall address the topics specified in 40 CFR 763.92. (15 USC 2655; 40CFR763.84,763.92)

7. Short-term workers, such as telephone repair workers, utility workers, or exterminators, who may come in contact with asbestos in a school shall be provided information regarding the locations of known or suspected asbestos-containing building materials. (40 CFR763.84)

8. Warning labels shall be posted immediately adjacent to any known or suspected asbestos-containing building material located in routine maintenance areas in accordance with 40 CFR 763.95. (40 CFR 763.84)

The district shall maintain, in both the district and school offices and for a period of three years, records pertaining to each preventive measure and response action taken; staff training; periodic surveillances conducted; cleaning, operations, and maintenance activities; and any fiber release episode. (40 CFR 763.94)

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: June 12, 2019 Morgan Hill, California

ADDITIONAL RIGHTS

Review of Curriculum Materials

MHUSD engages in a thorough process to select curricular materials that align with state and local content standards and support academic achievement. Parents and guardians can review MHUSD curricular materials through our website, course syllabi for high schools, and through your child's elementary teacher or site administrator. If you have any concerns about any MHUSD curricular materials, including concerns related to personal religious beliefs, please contact the Director of Elementary Education so they can address your concerns.

COURSE OFFERINGS

Sex education, sexually transmitted disease, and family life education courses are those in which reproductive organs and their function are described, illustrated, or discussed. If such a course is offered, you will be notified of your right to inspect and review pertinent written or audiovisual materials prior to the holding of the course. Written consent is not required, but written objection shall be honored if you do not want your child to attend such a class. This section does not apply to pictures in any science, hygiene

or health textbook. A teaching credential may be revoked for violation of this section. *(E.C. 51550 & 51820)*

Excuse from instruction in the areas of health, family life, sex education and sexually transmitted diseases due to religious beliefs (including personal moral convictions) of the parent shall be permitted, upon written request, for the parts in conflict with the beliefs. *(E.C. 51240)*

All courses are available to all students regardless of race, ethnic background, sex, handicap or English proficiencies. Parents are encouraged to participate with the school guidance personnel in the career guidance and course selection for their student. *(E.C. Sec. 40)*

DRUG EDUCATION COURSES

Instruction shall be given in the elementary and secondary schools on drug education and the effects of the use of tobacco, alcohol, narcotics, dangerous drugs, and other dangerous substances. *(E.C. 51260)*

FINGERPRINTING

School districts may offer a fingerprinting program upon a student's first enrollment in public school and may charge a fee for such service. *(E.C. 32390(b))*

MEDICAL REGULATIONS

Immunization for communicable disease must be consented to, in writing, by a parent for a licensed physician (or registered nurse acting under the direction of a supervising physician) to administer an immunizing agent. *(E.C. 49403)*

Administration of medication prescribed by a physician for a child during the school day may be done by a nurse, or teacher if designated, under detailed instructions but only upon written parental request. *(E.C. 49423)*

Physical examination may not be given a child whose parent has filed an objection annually. However, the child may be sent home if, for good reason, he/she is believed to be suffering from a recognized contagious or infectious disease. *(E.C. 49451)*

Medical and hospital services for pupils injured at school or school-sponsored events or while being transported may be covered by insurance at district or parent expense. *(E.C. 49472)*

Parents are to inform the school nurse or other certificated school employee of medication given to a pupil on a continuing basis for a non-episodic condition. With the consent of the parent, the nurse may communicate with the student's physician and may counsel school personnel on the possible effects of the drug and signs of side effects, omission or overdose. *(E.C. 49480)*

Education Code 49472. Medical and Hospital Services for Pupils (accident insurance for pupils):

The governing board of any school district or districts which does not employ at least five physicians as full-time supervisors of health, or the equivalent thereof, may provide, or make available, medical or hospital service, or both, through nonprofit membership corporations defraying the cost of medical service or hospital service, or both, or through group, blanket or individual policies of accident insurance or through policies of liability insurance from authorized insurers, for injuries to pupils of the district or districts arising out of accidents occurring while in or on buildings and other premises of the district or districts during the time such pupils are required to be therein or thereon by reason of their attendance

upon a regular day school of such district or districts or while being transported by the district or districts to and from school or other place of instruction, or while at any other place as an incident to school sponsored activities and while being transported to, from and between such places. No pupils shall be compelled to accept such service without his consent, or if a minor without the consent of his parent or guardian. The cost of the insurance or membership may be paid, from the funds of the district or districts, or by the insured pupil, his parent or guardian.

Education Code 49403. Cooperation in the Control of Communicable Disease and Immunization of Pupils:

(a) Notwithstanding any other law, the governing board of a school district shall cooperate with the local health officer in measures necessary for the prevention and control of communicable diseases in school age children. For that purpose, the board may use any funds, property, and personnel of the district, and may permit a licensed physician and surgeon, or a health care practitioner listed in subdivision (b) who is acting under the direction of a supervising physician and surgeon, to administer an immunizing agent to a pupil whose parent or guardian has consented in writing to the administration of the immunizing agent.

(b) (1) The following health care practitioners, acting under the direction of a supervising physician and surgeon, may administer an immunizing agent within the course of a school immunization program:

(A) A physician assistant.

(B) A nurse practitioner.

(C) A registered nurse.

(D) A licensed vocational nurse.

(E) A nursing student who is acting under the supervision of a registered nurse, in accordance with applicable provisions of law.

(2) A health care practitioner's authority to administer an immunizing agent pursuant to this subdivision is subject to the following conditions:

(A) The administration of an immunizing agent is upon the standing orders of a supervising physician and surgeon and in accordance with any written regulations that the State Department of Public Health may adopt.

(B) The school nurse is notified and he or she maintains control, as necessary, as supervisor of health in accordance with Sections 44871, 44877, 49422, and subdivision (a) of Section 49426.

(C) The health care practitioner may only administer immunizations for the prevention and control of any of the following:

(i) Annual seasonal influenza.

(ii) Influenza pandemic episodes.

(iii) Other diseases that represent a current or potential outbreak as declared by a federal, state, or local public health officer.

(c) As used in this section, "supervising physician and surgeon" means the physician and surgeon of the local health department or school district that is directing the school immunization program.

(d) While nothing in this section shall be construed to require the physical presence of the supervising physician and surgeon, the supervising physician and surgeon shall require a health care practitioner under his or her direction to do both of the following:

(1) Satisfactorily demonstrate competence in the administration of the immunizing agent, including knowledge of all indications and contraindications for the administration of the agent, and the recognition and treatment of emergency reactions to the agent that constitute a danger to the health or life of the person receiving the immunization.

(2) Possess the medications and equipment that are required, in the medical judgment of the 4- supervising physician and surgeon, to treat any emergency conditions and reactions caused by the immunizing agents that constitute a danger to the health or life of the person receiving the immunization, and to demonstrate the ability to administer the medications and use the equipment as necessary.

(e) It is the intent of the Legislature to encourage school-based immunization programs, when feasible, to use the California Immunization Registry to assist providers to track patient records, reduce missed opportunities, and to help fully immunize all children in California.

MEDICAL SERVICES INFORMATION

School authorities may excuse any student in grades 7-12 from the school for the purpose of obtaining confidential medical services without the consent of the pupil's parent or guardian. *(E.C. 46010.1)*

Education Code: 46010.1. Confidential Medical Services Notice:

Commencing in the fall of the 1986–87 academic year, the governing board of each school district shall, each academic year, notify pupils in grades 7 to 12, inclusive, and the parents or guardians of all pupils enrolled in the district, that school authorities may excuse any pupil from the school for the purpose of obtaining confidential medical services without the consent of the pupil's parent or guardian.

The notice required pursuant to this section may be included with any other notice given pursuant to this code.

PARENT/GUARDIAN LIABILITY

Parents or guardians are liable for any willful conduct of their minor children which results in injury to another pupil or to school personnel, or for any willful cutting or defacing of any school property belonging to a school district or to a school district employee, or for any property belonging to the school district and loaned to the minor student and willfully not returned. Such liability shall not exceed $7,500. Following due process procedures, the school district may withhold the grades, diplomas or transcripts of the pupil responsible until such damages are paid or until completion of a voluntary work program in lieu of payment of monetary damages. *(E.C. 48904)*

P.E. REQUIREMENT

The State of California states that every school child is required to take physical education unless legally exempt under E.C. 51241 or E. C. 51246. When there is a legitimate reason for a student to be excused from physical education for one week or less, please send a note with the student to the school office.

Any time an excuse will exceed one week, a note stating why this student should not participate in the regular physical education program must be completed and signed by a physician and submitted to the school office. *(E.C. 51222)*

REVIEW OF PUPIL RECORDS AND DIRECTORY INFORMATION

The Family Educational Rights and Privacy Act of 1974 require that schools inform you of your rights regarding student records. The rights apply to the parents of miners and to students' age 16 or older or who have completed the 12th grade. *(P.L. 93-380)*

You may request an opportunity to inspect any and all official school records, files and data related to your child (or yourself if you are 16 or older). The school has five days to respond to your request. If information in the file is inaccurate, misleading, or inappropriate, a custodial parent may request removal of the information or include a statement disputing the material, which you challenge. *(E.C. 49063, 49069 & 49070)*

School districts are required to retain enrollment and scholarship records of students indefinitely. Certain records not classified as mandatory permanent records, however, may be destroyed subsequent to the time a student leaves a school district. Contact the district office for specific information about the policy for destroying student records.

There are limitations to the people who have access to the information in student records. School personnel with legitimate educational interests, schools of intended enrollment, specified federal and state educational administrators, or those who provide financial or student aid are entitled to access without your consent. Certain groups are permitted directory information without prior consent, as well. Directory information may include the student's name, birthdate, birthplace, address, telephone number, major course of study, dates of attendance, awards, and previous school attendance. *(E.C. 49068 or 49073)*

Upon written request from the parent of a student age 17 or younger, the district will withhold directory information. A student who is 18 or older or enrolled in a post-secondary institution may also make such a written request. Contact your district office for more specific information.

District Records

The Governing Board recognizes the importance of securing and retaining district documents. The Superintendent or designee shall ensure that district records are developed, maintained, and disposed of in accordance with law, Board policy, and administrative regulation.

The Superintendent or designee shall consult with district legal counsel, site administrators, district information technology staff, personnel department staff, and others as necessary to develop a secure document management system that provides for the storage, retrieval, archiving, and destruction of district documents, including electronically stored information such as email. This document management system shall be designed to comply with state and federal laws regarding security of records, record retention and destruction, response to "litigation hold" discovery requests, and the recovery of records in the event of a disaster or emergency.

The Superintendent or designee shall ensure the confidentiality of records as required by law and shall establish regulations to safeguard data against damage, loss, or theft.

In the event of any known or reasonably suspected breach of the security of district records containing confidential personal information including, but not limited to, a social security number, driver's license or identification card number, medical information, health insurance information, or an account number in combination with an access code or password that would permit access to a financial account, the

Superintendent or designee shall immediately notify local law enforcement agencies and any affected persons. Notification of affected individuals may be delayed if a law enforcement agency determines that the notification would impede a criminal investigation.

The Superintendent or designee shall ensure that employees receive information about the district's document management system, including retention and confidentiality requirements and an employee's obligations in the event of a litigation hold established on the advice of legal counsel.

Safe at Home Program

District public records shall not include the actual addresses of students, parents/guardians, or employees when a substitute address is designated by the Secretary of State pursuant to the Safe at Home program. (Government Code 6206, 6207)

When a substitute address card is provided pursuant to this program, the confidential, actual address may be used only to establish district residency requirements for enrollment and for school emergency purposes.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: 06/23/2015 Morgan Hill, California

SCREENING FOR SCOLIOSIS

All female students in grade 7 and all male students in grade 8 shall be given examinations for lateral curvature of the spine, a condition known as Scoliosis. Parents who do not wish to have their children screened for scoliosis may file with the principal of the school in which the student is enrolled refusing the examination of the student. *(E.C. 49452.5)*

SPECIAL PROGRAMS

Private nonsectarian school services may be received by any handicapped pupil with exceptional needs for whom a public special education placement is unavailable or inappropriate. Contact the director of special education. *(E.C. 56365)*

Alternative schools are provided by school districts as a school or separate class group within a school which is operated in a manner designed to: (a) maximize the opportunity for students to develop positive attitudes; (b) recognize that the best learning takes place when the student learns because of his/her desire to learn; (c) maintain a learning situation maximizing the student's self-motivation; (d) maximize the opportunity for teachers, parents, and students to collectively develop the learning process and its subject matter (this opportunity shall be a continuous, and permanent process); (e) maximize the opportunity for students, teachers and parents to continuously react to the changing world. *(E.C. 58501)*

A pupil with a temporary disability, which makes attendance in regular day classes or alternative education programs impossible or inadvisable, shall receive individual instruction by the resident district. *(E.C. 48206.3)*

A pupil may be entitled to assistance in a school meal program as determined by the Family Nutrition Act. *(E.C. 49510)*

Education Code 58501. Notice of Alternative Schools:

California state law authorizes all school districts to provide for alternative schools. Section 58500 of the Education Code defines alternative school as a school or separate class group within a school which is operated in a manner designed to:

(a) Maximize the opportunity for students to develop the positive values of self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility, and joy.

(b) Recognize that the best learning takes place when the student learns because of his desire to learn.

(c) Maintain a learning situation maximizing student self-motivation and encouraging the student in his own time to follow his own interests. These interests may be conceived by him totally and independently or may result in whole or in part from a presentation by his teachers of choices of learning projects.

(d) Maximize the opportunity for teachers, parents and students to cooperatively develop the learning process and its subject matter. This opportunity shall be a continuous, permanent process.

(e) Maximize the opportunity for the students, teachers, and parents to continuously react to the changing world, including but not limited to the community in which the school is located.

In the event any parent, pupil, or teacher is interested in further information concerning alternative schools, the county superintendent of schools, the administrative office of this district, and the principal's office in each attendance unit have copies of the law available for your information. This law particularly authorizes interested persons to request the governing board of the district to establish alternative school programs in each district."

Further, a copy shall be posted in at least two places normally visible to pupils, teachers, and visiting parents in each attendance unit for the entire month of March in each year.

TESTS ON PERSONAL BELIEFS

Tests, questionnaires, or examinations containing questions about the pupil's personal beliefs or practices or her parents' beliefs or practices in sex, family life, morality, and religion, may not be given to pupils unless the parent or guardian is notified in writing and gives written permission. *(E.C. 60650)*

You have the rights as a parent to:

1. To apply for enrollment of your child in a district in which you are employed; however, the district has the right to deny the application under certain conditions *(Ed. Code 48204(f))*.
2. To request a copy of the School Accountability Report Card which is issued annually for each school in the district *(Ed. Code 35256)*.

Please Note:
The district adheres to the Americans with Disabilities Act. Should you require special accommodations, or more information about accessibility, please contact the site principal or district office receptionist at 201-6000 at least two days before the meeting date. All efforts will be made for reasonable accommodations.

HEARING AND VISION SCREENING

All students participate in state-mandated hearing and vision screenings *(Ed. Code 49450)*. Each year the following schedule is followed:

Vision: All students in grades K, 1, 3, 6 and 8.
Hearing: All students in grades K, 1, 2, 5, 8, and 10.

A parent or guardian may file annually with the principal a written notification stating that he/she does not consent to having his/her child participate in vision and/or hearing screening.

MARRIED/PREGNANT/ STUDENTS BP 5146

The Governing Board recognizes that responsibilities related to marriage, pregnancy, or parenting and related responsibilities may disrupt a student's education and increase the chance of a student dropping out of school. The Board therefore desires to support married, pregnant, and parenting students to continue their education, attain strong academic and parenting skills, and promote the healthy development of their children.

The district shall not exclude or deny any student from any educational program or activity, including any class or extracurricular activity, solely on the basis of the pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery. In addition, the district shall not adopt any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex. (Education Code 221.51, 230; CCR 4950; 34 CFR 106.40)

The Superintendent or designee shall annually notify parents/guardians at the beginning of the school year of the rights and options available to pregnant and parenting students under the law. In addition, pregnant and parenting students shall be notified of the rights and options available to them under the law through annual school year welcome packets and through independent study packets. (Education Code 222.5, 48980)

For school-related purposes, a student under the age of 18 years who enters into a valid marriage shall have all the rights and privileges of students who are 18 years old, even if the marriage has been dissolved. (Family Code 7002)

Education and Support Services for Pregnant and Parenting Students

Pregnant and parenting students shall retain the right to participate in the regular education program or an alternative education program. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the student and/or the student's child.

Any alternative education program, activity, or course that is offered separately to pregnant or parenting students, including any class or extracurricular activity, shall be equal to that offered to other district students. A student's participation in such programs shall be voluntary. (Education Code 221.51; 5 CCR 4950)

If required for students with any other temporary disabling condition, the Superintendent or designee may require a student, based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery, to obtain certification from a physician or nurse practitioner indicating that the student is physically and emotionally able to continue participation in the regular education program or activity, (Education Code 221.51; 5 CCR 4950; 34 CFR 106.40)

As appropriate, teachers, administrators, and/or other personnel who work with pregnant and parenting students shall receive related professional development.

Absences

Pregnant or parenting students may be excused for absences for medical appointments and other purposes specified in BP/AR 5113 - Absences and Excuses.

A student shall be excused for absences to care for a sick child for whom the student is the custodial parent. A note from a physician sha l not be required for such an absence. (Education Code 48205)

Leave

A pregnant or parenting student shall be entitled to eight weeks of parental leave in order to protect the health of the student who gives or expects to give birth and the infant, and to a low the pregnant or parenting student to care for and bond with the infant. Such leave may be taken before the birth of the student's infant if there is a medical necessity and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction. The Superintendent or designee may grant parental leave beyond eight weeks if deemed medically necessary by the student's physician. (Education Code 46015; 34 CFR 106.40)

The student, if age 18 years or older, or the student's parent/guardian shall notify the school of the student's intent to take parental leave. No student shall be required to take a l or part of the parental leave. (Education Code 46015)

When a student takes parental leave, the attendance supervisor shall ensure that absences from the regular school program are excused until the student is able to return to the regular school program or an alternative education program. A pregnant or parenting student shall not be required to complete academic work or other school requirements during the period of the parental leave. (Education Code 46015)

Following the leave, a pregnant or parenting student may elect to return to the school and the course of study in which the student was enrolled before taking parental leave or to an alternative education option provided by the district. Upon return to school, a pregnant or parenting student sha l have opportunities to make up work missed during the leave, including, but not limited to, makeup work plans and reenrollment in courses. (Education Code 46015)

When necessary to complete high school graduation requirements, the student may remain enrolled in school for a fifth year of instruction, unless the Superintendent or designee makes a finding that the student is reasonably able to complete district graduation requirements in time to graduate by the end of the fourth year of high school. (Education Code 46015)

Accommodations

When necessary, the district shall provide accommodations to enable a pregnant or parenting student to access the educational program.

A pregnant student shall have access to any services available to other students with temporary disabilities or medical conditions. (34 CFR 106.40)

The school shall provide reasonable accommodations to any lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. A student sha l not incur an academic penalty for using any of these reasonable accommodations, and sha l be provided the opportunity to make up any work missed due to such use. Reasonable accommodations include, but are not limited to: (Education Code 222)

1. Access to a private and secure room, other than a restroom, to express breast milk or breastfeed an infant child
2. Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk
3. Access to a power source for a breast pump or any other equipment used to express breast milk
4. Access to a place to store expressed breast milk safely
5. A reasonable amount of time to accommodate the student's need to express breast milk or breastfeed an infant child

Complaints

Any complaint alleging discrimination on the basis of pregnancy or marital or parental status, district noncompliance with the requirements of Education Code 46015, or district noncompliance with the requirement to provide reasonable accommodations for lactating students sha l be addressed through the district's uniform complaint procedures in accordance with 5 CCR 4600-4670 and BP/AR 1312.3 - Uniform Complaint Procedures. A complainant who is not satisfied with the district's decision may appeal the decision to the California Department of Education (CDE). If the district or CDE finds merit in an appeal, the district sha l provide a remedy to the affected student. (Education Code 222, 46015; 5 CCR 4600- 4670)

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: March 19, 2019 Morgan Hill, California

Child Abuse Prevention and Reporting AR 5141.4

Definitions

Child abuse or neglect includes the following: (Penal Code 11165.5, 11165.6)

1. A physical injury or death inflicted by other than accidental means on a child by another person
2. Sexual abuse of a child, including sexual assault or sexual exploitation, as defined in Penal Code 11165.1
3. Neglect of a child as defined in Penal Code 11165.2
4. Willful harming or injuring of a child or the endangering of the person or health of a child as defined in Penal Code 11165.3
5. Unlawful corporal punishment or injury as defined in Penal Code 11165.4

Child abuse or neglect does not include:

1. A mutual affray between minors (Penal Code 11165.6)
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment (Penal Code 11165.6) (cf. 3515.3 - District Police/Security Department)
3. An injury resulting from the exercise by a teacher, vice principal, principal, or other certificated

employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning (Education Code 44807)
4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of the student (Education Code 49001) (cf. 5144 - Discipline)
5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by the student (Education Code 49001)

Mandated reporters include, but are not limited to, teachers; instructional aides; teacher's aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; administrators and employees of a licensed day care facility; Head Start teachers; district police or security officers; licensed nurses or health care providers; and administrators, presenters, and counselors of a child abuse prevention program. (Penal Code 11165.7)

Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect. However, reasonable suspicion does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect. (Penal Code 11166)

Reportable Offenses

A mandated reporter shall make a report using the procedures provided below whenever, in his/her professional capacity or within the scope of his/her employment, he/she has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. (Penal Code 11166)

Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, based on evidence of severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to the appropriate agency. (Penal Code 11166.05, 11167)

Any district employee who reasonably believes that he/she has observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury against a victim who is a child under age 14 shall notify a peace officer. (Penal Code 152.3, 288)

Responsibility for Reporting

The reporting duties of mandated reporters are individual and cannot be delegated to another person. (Penal Code 11166)

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report. (Penal

Code 11166)
No supervisor or administrator shall impede or inhibit a mandated reporter from making a report. (Penal Code 11166)

Any person not identified as a mandated reporter who has knowledge of or observes a child whom he/she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency. (Penal Code 11166)

Reporting Procedures

1. Initial Telephone Report

Immediately or as soon as practicable after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department. (Penal Code 11165.9, 11166)

Call the Child Abuse and Neglect Referral and Reporting Center
San Jose area 408-299-2071
Morgan Hill/Gilroy area 408-683-0601

When the initial telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

2. Written Report

Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall then prepare and either send, fax, or electronically submit to the appropriate agency a written follow-up report, which includes a completed Department of Justice form (SS 8572). (Penal Code 11166, 11168)

The Department of Justice form may be obtained from the district office or other appropriate agencies, such as the county probation or welfare department or the police or sheriff's department. Reports of suspected child abuse or neglect shall include, if known: (Penal Code 11167)

a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter

b. The child's name and address, present location, and, where applicable, school, grade, and class

c. The names, addresses, and telephone numbers of the child's parents/guardians

d. The name, address, telephone number, and other relevant personal information about the person who might have abused or neglected the child

e. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information

The mandated reporter shall make a report even if some of this information is not known or is uncertain to him/her. (Penal Code 11167)

The mandated reporter may give to an investigator from an agency investigating the case, including a licensing agency, any information relevant to an incident of child abuse or neglect or to a report made for serious emotional damage pursuant to Penal Code 11166.05. (Penal Code 11167

3. Internal Reporting

The mandated reporter shall not be required to disclose his/her identity to his/her supervisor, the principal, or the Superintendent or designee. (Penal Code 11166)

However, employees reporting child abuse or neglect to an appropriate agency are encouraged, but not required, to notify the principal as soon as possible after the initial telephone report to the appropriate agency. When so notified, the principal shall inform the Superintendent or designee.

The principal so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law, Board policy, and administrative regulation. At the mandated reporter's request, the principal may assist in completing and filing the necessary forms.

Reporting the information to an employer, supervisor, principal, school counselor, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency. (Penal Code 11166)

Training

Training of mandated reporters shall include identification and mandated reporting of child abuse and neglect. (Penal Code 11165.7)

Training shall also include guidance in the appropriate discipline of students, physical contact with students, and maintenance of ethical relationships with students to avoid actions that may be misinterpreted as child abuse.

(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
(cf. 5145.7 - Sexual Harassment)
Victim Interviews by Social Services

Whenever a representative from the Department of Social Services or another government agency investigating suspected child abuse or neglect deems it necessary, a suspected victim may be interviewed during school hours, on school premises, concerning a report of suspected child abuse or neglect that occurred within the child's home or out-of-home care facility. The child shall be given the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the child. (Penal Code 11174.3)

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the principal or designee shall inform him/her of the following requirements: (Penal Code 11174.3)

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.

2. The selected person shall not participate in the interview.

3. The selected person shall not discuss the facts or circumstances of the case with the child.

4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school. (Penal Code 11174.3)

Release of Child to Peace Officer

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the Superintendent or designee and/or principal shall not notify the parent/guardian, but rather shall provide the peace officer with the address and telephone number of the child's parent/guardian. It is the responsibility of the peace officer or agent to notify the parent/guardian of the situation. (Education Code 48906)

(cf. 5145.11 - Questioning and Apprehension by Law Enforcement)

Parent/Guardian Complaints

Upon request, the Superintendent or designee shall provide parents/guardians with a copy of this administrative regulation which contains procedures for reporting suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is not English, such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be provided.

To file a complaint against a district employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency identified above under "Reporting Procedures." If a parent/guardian makes a complaint about an employee to any other employee, the employee receiving the information shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency. The employee also is obligated pursuant to Penal Code 11166 to file a report himself/herself using the procedures described above for mandated reporters.

(cf. 1312.1 - Complaints Concerning District Employees)

In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education pursuant to 5 CCR 4650.

(cf. 1312.3 - Uniform Complaint Procedures)

Notifications

The Superintendent or designee shall provide to all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, their reporting obligations under Penal Code 11166, and their confidentiality rights under Penal Code 11167. The district also shall provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167. (Penal Code 11165.7, 11166.5)

Before beginning employment, any person who will be a mandated reporter by virtue of his/her position shall sign a statement indicating that he/she has knowledge of the reporting obligations under Penal Code 11166 and will comply with those provisions. The signed statement shall be retained by the Superintendent or designee. (Penal Code 11166.5)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

Employees who work with dependent adults shall be notified of legal responsibilities and reporting procedures pursuant to Welfare and Institutions Code 15630-15637.

The Superintendent or designee also shall notify all employees that:

1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of his/her professional capacity or outside the scope of his/her employment. Any other person making a report shall not incur civil or criminal liability unless it can be proven that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11172)

2. If a mandated reporter fails to report an incident of known or reasonably suspected child abuse or neglect, he/she may be guilty of a crime punishable by a fine and/or imprisonment. (Penal Code 11166)

3. No employee shall be subject to any sanction by the district for making a report. (Penal Code 11166)

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: 11/13/2012 Morgan Hill, California

Child Care and Development AR 5148

Licensing

All district child care and development services shall be licensed by the California Department of Social Services, unless exempted pursuant to Health and Safety Code 1596.792 or 22 CCR 101158.

The license shall be posted in a prominent, publicly accessible location in the facility. (Health and Safety Code 1596.8555)

Licensed child care centers shall be subject to the requirements of Health and Safety Code 1596.70-1597.21, 22 CCR 101151-101239.2, and, when applicable, 22 CCR 101451-101539.

Program Components

The district's child care and development program shall include the following components:

1. A developmental profile recording each child's physical, cognitive, social, and emotional development which shall be used to plan and conduct developmentally and age-appropriate activities (Education Code 8203.5; 5 CCR 18272)

Program staff shall complete the "Desired Results Developmental Profile," available from the California Department of Education (CDE), for each child who is enrolled in the program for at least 10 hours per week and for any child with disabilities regardless of the number of hours enrolled. The profile shall be completed within 60 days of enrollment and at least once every six months thereafter for children of all ages. (Education Code 8203.5; 5 CCR 18270.5, 18272)

2. An educational program which complies with 5 CCR 18273, including the provision of services that are developmentally, linguistically, and culturally appropriate and inclusive of children with special needs

3. A staff development program which complies with 5 CCR 18274

4. Parent/guardian involvement and education which comply with 5 CCR 18275 and involve parents/guardians through an orientation, at least two individual conferences per year, meetings with program staff, an advisory committee, participation in daily activities, and information regarding their child's progress

5. Parent/guardian involvement and education which comply with 5 CCR 18275 and involve parents/guardians through an orientation, at least two individual conferences per year, meetings with program staff, an advisory committee, participation in daily activities, and information regarding their child's progress

6. A community involvement component which complies with 5 CCR 18277

7. A nutrition component which ensures that children in the program are provided nutritious meals, beverages, and snacks that meet state and federal standards and have access to drinking water throughout the day, including at meal times (Health and Safety Code 1596.808; 42 USC 1766; 5 CCR 18278)

8. An annual plan for program evaluation which conforms with the state's "Desired Results for Children and Families" system and includes, but is not limited to, a self-evaluation, parent survey, and environment rating scale using forms provided by the CDE (5 CCR 18270.5, 18279, 18280)

9. Programs that promote age-appropriate structured and unstructured opportunities for physical activity and that limit the amount of time spent in sedentary activities to an appropriate level Staffing Ratios

The district's child care and development program shall maintain at least the minimum adult-child and teacher-child ratios specified in 5 CCR 18290-18292 based on the ages of the children served

Enrollment

The district's child care and development services shall be available to infants and children through age 12 years. Individuals with disabilities may be served through age 21 years in accordance with their individualized education program and Education Code 8208. (Education Code 8208, 8263.4)

Children who meet the criteria specified in Education Code 8250 and 8263 shall be eligible for subsidized child care and development services.

Children ages 11-12 years, except for children with disabilities, shall be eligible for subsidized child care and development services only for the portion of care needed that is not available in a before- or after-school program. Subsidized child care and development services may be provided to a child age 11 or 12 years when the parent/guardian certifies, on a form provided by the CDE, that a before- or after-school program is not available. A program may be considered unavailable if: (Education Code 8263.4)

1. The program does not provide services during the hours or days that the child needs services, such as in the early morning, evening, or weekend hours or during summer, school breaks, or intersession.

2. The program is too geographically distant from the child's school or the parent/guardian's residence.

3. Use of the program would create substantial transportation obstacles for the family.

4. Use of the program is otherwise inappropriate for the child or burdensome on the family.

First priority for enrollment shall be given to neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, upon written referral from a legal, medical, or social services agency. If unable to enroll a child in this category, the district shall refer the child's parent/guardian to local resource and referral services so that services for the child can be located. (Education Code 8263)

Second priority for enrollment shall be given equally to families who are income eligible, as defined in Education Code 8263.1. Families with the lowest gross monthly income in relation to family size shall be admitted first. If two or more families are in the same priority in relation to income, the family that has a child with disabilities shall be admitted first or, if there is no child with disabilities, the family that has been on the waiting list for the longest time shall be admitted first. (Education Code 8263, 8263.1)

The district's decision to approve or deny services shall be communicated to the family through a written notice mailed or delivered within 30 days from the date the application is signed by the parent/guardian. If services are approved, the notice shall contain the basis of eligibility, daily/hourly fee, if applicable, duration of the eligibility, names of children approved to receive services, and the hours of service approved for each day. If services are denied, the notice shall contain the basis of denial and instructions on how the parents/guardians may request a hearing in accordance with the procedures specified in 5 CCR 18120 and 18121 if they do not agree with the district's decision. (5 CCR 18094, 18118)

After all children eligible for subsidized services have been enrolled, the district may enroll children in accordance with any other priorities established by the Governing Board.

The Superintendent or designee shall maintain a waiting list in accordance with admission priorities and shall contact applicants in order of their priority on the waiting list as vacancies occur. (5 CCR 18106)

Disenrollment

When necessary due to a reduction in state reimbursements, families shall be disenrolled from subsidized child care and development services in the following order: (Education Code 8263.3)

1. Families with the highest income in relation to family size shall be disenrolled first.

2. If two or more families have the same income ranking, children without disabilities who have been enrolled in child care services the longest shall be disenrolled first. After all children without disabilities have been disenrolled, children with disabilities shall be disenrolled, with those who have been enrolled in child care services the longest being disenrolled first.

3. Families whose children are receiving child protective services or are at risk of neglect, abuse, or exploitation, regardless of family income, shall be disenrolled last.

Whenever the district issues a notice to the families who will be disenrolled due to funding reduction, a parent/guardian may appeal the decision only on the grounds that the factors used to determine the family's disenrollment are incorrect. He/she shall submit the appeal within 14 calendar days of receipt of the notice, or within 19 calendar days if the notice was mailed. The Superintendent or designee shall review the appeal and notify the parent/guardian, in writing, of the district's final decision within 10 calendar days of receiving the appeal request. Services shall continue to be provided pending the appeal decision.

Fees

Except when prohibited by law, the Superintendent or designee may charge fees for services according to the fee schedule established by the Superintendent of Public Instruction, the actual cost of services, or the maximum daily/hourly rate specified in the contract, whichever is least. (Education Code 8239, 8250, 8263, 8447; 5 CCR 18108, 18109, 18110)

Families receiving services on the basis of having a child who is at risk of abuse, neglect, or exploitation may be exempt from these fees for up to three months. Families receiving services on the basis of having a child receiving child protective services, or having a certification by a county child welfare agency that child care services continue to be necessary, may be exempt from these fees for up to 12 months. The cumulative period of exemption from these fees for these families shall not exceed 12 months. (Education Code 8263)

Fees shall be collected prior to providing services and shall be considered delinquent after seven days from the date that fees are due. Parents/guardians shall be notified in the event that fees are delinquent. If a reasonable plan for payment of the delinquent fees has not been provided by the parents/guardians, services shall be terminated if all delinquent fees are not paid within two weeks of such notification. Parents/guardians shall receive a copy of the district's regulations regarding fee collection at the time of initial enrollment into the program. (5 CCR 18114, 18115)

The Superintendent or designee shall establish a process which includes parents/guardians in determining whether and how much to charge parents/guardians for field trip expenses. This process also shall be used to determine whether to require parents/guardians to provide diapers. (Education Code 8263

Health Examination

A physical examination and evaluation, including age-appropriate immunization, shall be required prior to or within six weeks of enrollment, unless the parent/guardian submits a letter stating that such examination is contrary to his/her religious beliefs. (Education Code 8263)

Attendance

Sign-in and sign-out sheets shall be used daily for all children for attendance accounting purposes. Attendance records shall include verification of excused absences, including the child's name, date(s) of absence, specific reason for absence, and signature of parent/guardian or district representative. (5 CCR 18065, 18066)

Absences shall be excused for the following reasons:

1. Illness or quarantine of the child or of the parent/guardian (Education Code 8208)

2. Family emergency (Education Code 8208)

A family emergency shall be considered to exist when unforeseen circumstances cause the need for immediate action, such as may occur in the event of a natural disaster or when a member of the child's immediate family dies, has an accident, or is required to appear in court.

3. Time spent with a parent/guardian or other relative as required by a court of law (Education Code 8208)

4. Time spent with a parent/guardian or other relative which is clearly in the best interest of the child (Education Code 8208)

An absence shall be considered to be in the best interest of the child when the time is spent with the child's parent/guardian or other relative for reasons deemed justifiable by the program coordinator or site supervisor.

Except for children who are recipients of child protective services or at risk of abuse or neglect, excused absences in the best interest of the child shall be limited to 10 days during the contract period. (5 CCR 18066)

Any absence due to a reason other than any of those stated above, or without the required verification, shall be considered an unexcused absence. After three unexcused absences during the year, the program coordinator or site supervisor shall notify the parents/guardians. Children who continue to have excessive unexcused absences may be removed from the program at the discretion of the program coordinator in order to accommodate other families on the waiting list for admission.

Parents/guardians shall be notified of the policies and procedures related to excused and unexcused absences for child care and development services. (5 CCR 18066)

Rights of Parents/Guardians

At the time a child is accepted into a licensed child care and development center, the child's parent/guardian or authorized representative shall be notified of his/her rights as specified in 22 CCR 101218.1, including, but not limited to, the right to enter and inspect the child care facility and the right to be informed, upon request, of the name and type of association to the center of any adult who has been granted a criminal record exemption. (Health and Safety Code 1596.857; 22 CCR 101218.1)

The written notice of parent/guardian rights also shall be permanently posted within the facility in a location accessible to parents/guardians. Notwithstanding these rights, access to the facility may be denied to an adult whose behavior presents a risk to children present in the facility or to noncustodial parents/guardians when so requested by the responsible parent/guardian. (Health and Safety Code 1596.857)

Records

The Superintendent or designee shall maintain records of enrollment, attendance, types of families served, income received from all families participating in the district's child care and development program, and any other records required by the CDE.

Regulation
adopted: 6/23/2015

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Questioning And Apprehension by Law Enforcement BP 5145.11

The Governing Board believes that the safety of district students and staff is essential to achieving the goal of student learning. In accordance with standards specified in law, law enforcement officers may interview and question students on school premises and may remove them when appropriate.

The Superintendent or designee shall collaborate with local law enforcement agencies to establish procedures which enable law enforcement officers to carry out their duties on school campus, including, when necessary, the questioning and/or apprehension of students.

When any law enforcement officer requests an interview with a student, the principal or designee shall request the officer's identity, his/her official capacity, and the legal authority under which the interview is to be conducted. The principal or designee shall maintain a record of all documentation relative to law enforcement interviews of students.

The principal or designee shall accommodate the interview in a way that causes the least possible disruption for the student and school and provides the student appropriate privacy.

At the law enforcement officer's discretion and with the student's approval, the principal or designee may be present during the interview.

Except in cases of child abuse or neglect, the principal or designee shall attempt to notify the student's parent/guardian as soon as practicable after the law enforcement officer has interviewed the student on school premises.

If a minor student is removed from school into the custody of law enforcement, the principal or designee shall immediately notify the parent/guardian or responsible relative regarding the student's release and the place to which he/she is reportedly being taken, except when the minor has been taken into custody as a victim of suspected child abuse. (Education Code 48906)

Subpoenas

Although subpoenas may legally be served at school on students age 12 or older, the Board believes that serving officials should be strongly urged to serve subpoenas at the home of the student whenever possible.

When served at school, the principal or designee shall take reasonable steps to protect the student's privacy rights and to minimize loss of class time for the student.

Policy
adopted: 11/13/2012

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Students Expelled from Other Districts BP 5119

The Governing Board may grant admission to students expelled from other districts in accordance with law and when consistent with the Board's goal to provide a safe and secure environment for students and staff.

If a student expelled from another district is granted enrollment, in accordance with the procedures specified below, he/she shall either establish legal residence in this district or enroll pursuant to an interdistrict attendance agreement. (Education Code 48915.1, 48915.2)

Enrollment During the Term of the Expulsion

The district shall not enroll a student expelled by another district for any of the offenses listed in Education Code 48915(a) or (c) (mandatory expulsion offenses) during the term of the student's expulsion, unless the enrollment is at a community day school. (Education Code 48915.2)

Upon receiving a request for enrollment from a student expelled from another district for acts other than those specified in Education Code 48915(a) or (c), the Board shall hold a hearing to determine whether the student poses a continuing danger to students or staff. The hearing shall be conducted and notice shall be provided in accordance with procedures governing expulsion of students described in Education Code 48918. (Education Code 48915.1)

If the student or parent/guardian neglects to inform the district that the student was expelled from his/her previous district for an act other than those listed in Education Code 48915(a) or (c), the Board shall record and discuss this lack of compliance during the hearing. (Education Code 48915.1)

If the Board finds that a student expelled for acts other than those specified in Education Code 48915(a) or (c) does not pose a continuing danger to students or staff, the student may be admitted or conditionally admitted during the term of expulsion. If the Board determines that the student does pose a continuing danger to students or staff, the student shall not be admitted. (Education Code 48915.1)

Enrollment After the Term of the Expulsion

A student expelled for an act specified in Education Code 48915(a) or (c) may enroll in the district after the term of his/her expulsion if the Board finds, at a hearing, that the student does not pose a continuing danger to students or staff. The hearing shall be conducted and notice shall be provided in accordance with procedures governing expulsion of students described in Education Code 48918. (Education Code 48915.2)

A student expelled for any act other than those specified in Education Code 48915(a) or (c) may request enrollment after the term of his/her expulsion in accordance with the district's procedures for establishing residency or interdistrict transfer.

FOOD SERVICE OPERTATIONS/CAFETERIA FUND AR 3551

Payments for Meals

With the exception of students who are eligible to receive meals at no cost, students may pay on a per-meal basis or may submit payments in advance. The Superintendent or designee shall maintain a system for accurately recording payments received and tracking meals provided to each student.

At the beginning of the school year, and whenever a student enrolls during the school year, parents/guardians shall be notified of the district's meal payment policies and be encouraged to prepay for meals whenever possible. The Superintendent or designee shall communicate the district's meal payment policies through multiple methods, including, but not limited to:

1. Explaining the meal charge policy within registration materials provided to parents/guardians at the start of the school year
2. Including the policy in student handbooks, if provided to parents/guardians annually
3. Providing the policy whenever parents/guardians are notified regarding the application process for free and reduced-price meals, such as in the distribution of applications at the start of the school year
4. Posting the policy on the district's web site
5. Establishing a system to notify parents/guardians when a student's meal payment account has a low or negative balance

In cases of repeated nonpayment by a student, the Superintendent or designee may contact parents/guardians to discuss the reasons for the nonpayment. The Superintendent or designee may evaluate individual circumstances to determine if the student's parents/guardians need assistance completing an application for free or reduced-price meals or need referral to social services.

In order to avoid potential misuse of a student's student nutrition account by someone other than the student in whose name the account has been established, the Superintendent or designee shall verify a student's identity when setting up the account and when charging any meal to the account. The Superintendent or designee shall investigate any claim that a bill does not belong to a student or is inaccurate, and shall open a new account as appropriate for a student whose account appears to have been misused.

Reimbursement Claims

The Superintendent or designee shall maintain records of the number of meals served each day by school site and by category of free, reduced-price, and full-price meals. The Superintendent or designee shall submit reimbursement claims for school meals to CDE using the online Child Nutrition Information and Payment System.

Donation of Leftover Food

To minimize waste and reduce food insecurity, the district may provide sharing tables where students and staff may return appropriate unused cafeteria food items to be made available to students during the course of a regular school meal time. If food on the sharing tables is not taken by a student, the school cafeteria may donate the food to a food bank or any other nonprofit charitable organization. (Health and Safety Code 114079)

Food that may be donated includes prepackaged, non-potentially hazardous food with the packaging still intact and in good condition, whole uncut produce, unopened bags of sliced fruit, unopened containers of milk that are immediately stored in a cooling bin maintained at 41 degrees Fahrenheit or below, and perishable prepackaged food if it is placed in a proper temperature-controlled environment. The preparation, safety, and donation of food shall be consistent with Health and Safety Code 113980. (Health and Safety Code 114079)

Cafeteria Fund

All proceeds from food sales and other services offered by the cafeteria shall be deposited in the cafeteria fund as provided by law. The income and expenditures of any cafeteria revolving account established by the Governing Board shall be recorded as income and expenditures of the cafeteria fund. (Education Code 38090, 38093)

The cafeteria fund shall be used only for those expenditures authorized by the Board as necessary for the operation of school cafeterias in accordance with Education Code 38100-38103, 2 CFR Part 200 Appendix VII, and the California School Accounting Manual.

Any charges to, or transfers from, a student nutrition program shall be dated and accompanied by a written explanation of the expenditure's purpose and basis. (Education Code 38101)

Indirect costs charged to the student nutrition program shall be based on either the district's prior year indirect cost rate as approved by CDE or the statewide average approved indirect cost rate for the second prior fiscal year, whichever is less. (Education Code 38101)

Net cash resources in the nonprofit school student nutrition e shall not exceed three months average expenditures. (7 CFR 210.14, 220.7)

U.S. Department of Agriculture Foods

The Superintendent or designee shall ensure that foods offered through this program reflect the most recent Dietary Guidelines for Americans.

The district shall provide facilities for the storage and control of foods received through the U.S. Department of Agriculture (USDA) that protect against theft, spoilage, damage, or other loss. Such storage facilities shall maintain donated foods in sanitary conditions, at the proper temperature and humidity, and with adequate air circulation. The district shall comply with all federal, state, or local requirements related to food safety and health and procedures for responding to a food recall, as applicable, and shall obtain all required health inspections. (7 CFR 250.14)

The Superintendent or designee shall maintain inventories of USDA foods in accordance with 7 CFR 250.59 and CDE procedures, and shall ensure that foods are used before their expiration dates.

USDA donated foods shall be used in school lunches as far as practicable. USDA foods also may be used in other nonprofit student nutrition activities, including, but not limited to, school breakfasts or other meals, a la carte foods sold to students, meals served to adults directly involved in the operation and administration of the student nutrition and to other school staff, and training in nutrition, health, student

nutrition , or general home economics instruction for students, provided that any revenues from such activities accrue to the district's nonprofit food service account. (7 CFR 250.59)

Contracts with Outside Services

The term of any contract for student nutrition management or consulting services shall not exceed one year. Any renewal of the contract or further requests for proposals to provide such services shall be considered on a year-to-year basis. (Education Code 45103.5; 7 CFR 210.16)

Any contract for management of the student nutrition operation shall be approved by CDE and comply with the conditions in Education Code 49554 and 7 CFR 210.16 as applicable. The district shall retain control of the quality, extent, and general nature of its student nutrition s, including prices to be charged to students for meals, and shall monitor the food service operation through periodic onsite visits. The district shall not enter into a contract with a student nutrition company to provide a la carte student nutrition s only, unless the company agrees to offer free, reduced-price, and full-price reimbursable meals to all eligible students. (Education Code 49554; 42 USC 1758; 7 CFR 210.16)

Any contract for consulting services shall not result in the supervision of student nutrition classified staff by the management consultant, nor shall it result in the elimination of any food service classified staff or position or have any adverse effect on the wages, benefits, or other terms and conditions of employment of classified student nutrition staff or positions. All persons providing consulting services shall be subject to applicable employment conditions related to health and safety as listed in Education Code 45103.5. (Education Code 45103.5)

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: June 23, 2015 Morgan Hill, California

Dress And Grooming AR 5132

In cooperation with teachers, students and parent/guardians, the principal or designee shall establish and regularly review school rules governing student dress and grooming. The principal, staff, students and parents/guardians at each school may establish reasonable dress and grooming regulations for times when students are engaged in extracurricular or other special school activities.

Students who participate in a nationally recognized youth organization shall be allowed to wear organization uniforms on days when the organization has a scheduled meeting.

Uniforms

The decision to participate in a School Uniform Program and the choices of uniforms will be site-based. The district does not mandate uniforms for any school.

In order to participate in a School Uniform Program, the principal or designee must ensure that all steps outlined in the Planning Procedures and Principal's Checklist have been completed by November 15th of the school year prior to implementation.

The site planning group shall consist of representatives from the school's administration, staff, Home and School club, and School Site Council (and/or other existing site decision-making organization that has been previously recognized as such). The principal, staff and parent representatives shall jointly select the specific uniform to be worn.

The principal must ensure that the parents/guardians of students in the school have had sufficient opportunity to study all of the issues and to provide input related to problems or concerns. He/she must ensure that:

- 100% of the families are notified;
- 80% of the families respond; and
- 60% of the families are in support of the School Uniform Program.

The parents/guardians of students in a school where a schoolwide uniform is to be required shall be given at least six months' notice before the school uniform policy is implemented. When all procedures have been completed and a uniform program has been approved for implementation, all students shall be expected to participate.

A system shall be established at each site for recycling or exchanging uniforms as students grow out of them. In addition, the superintendent shall establish criteria for determining student eligibility for financial assistance when purchasing uniforms. The principal or designee at each school site requiring student uniforms shall identify (and provide for) the funds to be used for students who need such assistance.

Schools which participate in a School Uniform Program must conduct an evaluation during the first three years to include such factors as:

1. Student self-concept
2. Discipline, behavior referrals, and suspensions/expulsions
3. Attendance
4. Attitude toward school, peers, and school spirit
5. Morale
6. Peer relationships
7. Parent concerns
8. Student transfer requests related to uniforms

Student Uniforms Checklist for Principals

1. Hold informal discussions to ascertain interest among parents.
2. Hold staff discussions to ascertain level of agreement.
3. Establish a school uniform committee (administrators, staff members, parents, students, Home & School, and Site Council representatives).
4. Survey students, staff and parents to ascertain interest in school uniforms. (Retain surveys)

If the decision is to proceed:

1. Conduct information meetings at the school, as well as at sites that are located in other neighborhoods where many of the school's students live.
2. Notify 100% of the families and give them an opportunity to ballot on the issue.
3. Ensure that 80% of the parents have responded.
4. Ensure that 60% of the parents in the school are in support of school uniforms.
5. Instruct school uniform committee to develop implementation guidelines.
6. Develop internal process to handle requests to be excused from wearing uniforms.

7. Forward the following to the Assistant Superintendent:
   a. "Request to Participate" form
   b. Copy of survey sent to parents and students
   c. Announcements of open meetings
   d. Notes/minutes from open meetings (including concerns and how the school will address them)
   e. Procedure for providing uniforms to families requiring such assistance
8. Display uniform samples in a central location: e.g., media center/library, cafeteria. Provide pictures of students in uniforms.
9. Invite parents to the school to see the display of uniforms.
10. Make every effort to assure that all parents have an opportunity to see the uniforms and to vote during a parent's meeting and/or "take-home" ballot.
11. Provide parents with information related to financial assistance. Assist parents with information. Do not get involved in individual financial arrangements between parents and the uniform company.

Procedures for Considering/Implementing a School Uniform Requirement

1. Indicate in writing to the Assistant Superintendent for Instructional Services that the school is interested in beginning the process. The principal will receive information listing all requirements and the planning process.
2. Meet with staff, representatives of the School Site Council, Home and School Club and/or other parent group to discuss the concept of uniforms. A subcommittee of this group may be formed to complete the following:
   a. Obtain sample uniforms and cost information from a variety of companies
   b. Explore possible ways to obtain financial assistance for families in need
   c. Send written communication to all parents/guardians, staff and students inviting them to a general meeting on uniforms
3. Hold a school information meeting (with primary language translators present, if appropriate) to do the following:

   a. Provide opportunities for questions, discussions, input;

   b. Display sample uniforms and costs;

   c. Discuss the process and timeline for decision making;

   d. Review district guidelines and expectations; and

   e. Conduct survey of those present. (If there is a lack of interest and support at this point, and/or Complications that cannot be resolved, the school should not consider uniforms at this time.)

4. Based on an analysis of #2 and #3 above, determine whether or not to continue.
5. Publicize the results of the meeting survey, and schedule an open evening meeting at the school (and/or other site) for additional discussion, input and questions.

6. Distribute ballots to all staff, parents/guardians (and students, if appropriate in grades 4-12). 100% of families must receive a ballot.

7. Tabulate results of balloting and publicize to the school community. (80% of families must respond, and 60% of families must support in order for planning to continue.)
8. Instruct planning committee (subcommittee in #2 above) to develop the implementation guidelines, to include:
9. Forward completed "Request to Implement School Uniform Policy" and supporting documentation (100% contact/80% responses/60% agreement) to the Assistant Superintendent for submission to the Board for approval of the site process. Include information regarding process for parent requests not to participate. The Assistant Superintendent will notify the principal whether or not to proceed by December 31.
10. Begin process to determine type of uniform.
11. Communicate policy, purchase options, and implementation guidelines in writing to parents and students.

Regulation
adopted: 06/26/1995

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Contracts BP 3312

The Governing Board recognizes its responsibility to enter into contracts on behalf of the district for the acquisition of equipment, supplies, services, and other resources necessary for the achievement of district goals. In exercising this authority to enter into a contract, the Board shall ensure that the district's interest is protected and that the terms of the contract conform to applicable legal standards, including the bidding requirements in Public Contract Code 20111.

Whenever state law invests the Governing Board with the power to enter into contracts on behalf of the district, the Board may, by a majority vote, delegate this power to the Superintendent or designee. To be valid or to constitute an enforceable obligation against the district, all contracts over $100,000 must be approved and/or ratified by the Board. (Education Code 17604)

All contracts between the district and outside agencies shall conform to standards required by law and shall be prepared under the direction of the Superintendent or designee.
When required by law, contracts and subcontracts made by the district for public works or for goods or services shall contain a nondiscrimination clause prohibiting discrimination by contractors or subcontractors. The nondiscrimination clause shall contain a provision requiring contractors and subcontractors to give written notice of their obligations to labor organizations with which they have a collective bargaining or other agreement. (Government Code 12990)

The district shall not enter into a contract that prohibits a school employee from disparaging the goods or services of the contracting party. (Education Code 35182.5)

Contracts for Non-Nutritious Foods or Beverages

The district or a district school shall not enter into or renew a contract for the sale of foods or beverages that do not meet the nutritional standards specified in Education Code 49431 or 49431.7, 5 CCR 15500-15501 or 15575-15578, or 7 CFR 210.11 or 220.12, unless the contract specifies that such sales will occur later than one-half hour after the end of the school day and/or off school premises.
(Education Code 49431, 49431.2)

Before the district or a district school enters into or renews a contract that grants exclusive or nonexclusive advertising or sale of carbonated beverages, non-nutritious beverages, or non-nutritious food as defined in law, the Board shall ensure that the district has sufficient internal controls in place to protect the integrity of public funds and to ensure that funds raised as a result of the contract benefit public education. (Education Code 35182.5)

The Superintendent or designee shall develop the district's internal control procedures to protect the integrity of public funds. Such internal controls may include but not be limited to the following:

1. Control procedures that produce accurate and reliable financial statements and, at the same time, safeguard the assets, financial resources, and integrity of every employee responsible for handling money or property. Control systems shall be systematically evaluated and revised to keep pace with the changing responsibilities of management.

2. Procedures to ensure that district personnel do not handle cash or product at the school site. The contract shall specify that the vendor stock the machines and shall provide cash accounting, along with a check, for district proceeds directly to the control office.

In addition, the contract may specify whether contractor logos are permitted on district facilities, including but not limited to scoreboards and other equipment. If such logos are permitted, the contractor shall present the equipment to the Board as a gift. The gift may be accepted by the Board in accordance with Board policy and administrative regulation.

To ensure that funds raised by the contract benefit district schools and students:

1. The Superintendent or designee may involve parents/guardians, students, staff, and interested community members to make recommendations regarding the contract, including recommendations as to how the funds will be spent in a manner that benefits public education.

2. Prior to ratifying the contract, the Board shall designate the specific programs and activities that will be funded by the proceeds of the contract and consider how the contract reflects the district's vision and goals.
3. The Superintendent or designee shall ensure that the contract does not limit the ability of student and parent organizations to plan and operate fund-raising activities.

Any contract for the sale or advertisement of non-nutritious foods or carbonated or non-nutritious beverages shall be entered into on a competitive bid basis pursuant to Public Contract Code 20111 or through the issuance of a Request for Proposal. (Education Code 35182.5)

The Board shall not enter into or renew a contract that grants exclusive or nonexclusive advertising or sale of carbonated beverages, non-nutritious beverages, or non-nutritious food until parents/guardians, students, and members of the public have had an opportunity to comment on the contract at a public hearing held during a regularly scheduled Board meeting or as otherwise authorized by Education Code 35182.5. The Board shall clearly, and in a manner recognizable to the general public, identify in the agenda the contract to be discussed at the meeting. (Education Code 35182.5)

The public hearing shall include but not be limited to a discussion of the nutritional value of food and beverages sold within the district; the availability of fresh fruit, vegetables, and grains in school meals

and snacks, including locally grown and organic produce; the amount of fat, sugar, and additives in the food and beverages discussed; and barriers to student participation in school breakfast and lunch programs. (Education Code 35182.5)

The contract shall be accessible to the public and may not include a confidentiality clause that would prevent the district or a district school from making any part of the contract public. (Education Code 35182.5)

Contracts for Electronic Products or Services

The Board shall not enter into a contract for electronic products or services that requires the dissemination of advertising to students, unless the Board: (Education Code 35182.5)

1. Enters into the contract at a noticed, public hearing of the Board.
2. Makes a finding that the electronic product or service is or would be an integral component of the education of students.
3. Makes a finding that the district cannot afford to provide the electronic product or service unless it contracts to permit dissemination of advertising to students.
4. As part of the district's normal, ongoing communication to parents/guardians, provides written notice that the advertising will be used in the classroom or other learning center.
5. Offers parents/guardians the opportunity to request in writing that their child not be exposed to the program that contains the advertising. Any request shall be honored for the school year in which it is submitted, or longer if specified, but may be withdrawn by the parents/guardians at any time.

Contracts for Digital Storage and Maintenance of Student Records

The district may enter into or renew a contract with a third party for the purpose of providing services, including cloud-based services, for the digital storage, management, and retrieval of student records and/or to provide digital educational software that authorizes a third-party provider of digital educational software to access, store, and use student records. For these purposes, student records include any information maintained by the district that is directly related to a student and any information acquired directly from the student through the use of instructional software or applications assigned to the student by a teacher or other district employee, and do not include de-identified information. (Education Code 49073.1)

Any such contract shall contain all of the following: (Education Code 49073.1)

1. A statement that student records continue to be the property of and under the control of the district
2. If applicable, a description of the means by which students may retain possession and control of their own student-generated content, as defined in Education Code 49073.1, including options by which a student may transfer student-generated content to a personal account
3. A prohibition against the third party using any information in the student record for any purpose other than those required or specifically permitted by the contract
4. A description of the procedures by which a parent/guardian or a student age 18 years or older may review personally identifiable information in the student's records and correct erroneous information
5. A description of the actions the third party will take, including the designation and training of responsible individuals, to ensure the security and confidentiality of student records
6. A description of the procedures for notifying the affected parent/guardian, or the affected student if

age 18 years or older, in the event of an unauthorized disclosure of the student's records
7. A certification that a student's records shall not be retained or available to the third party upon completion of the terms of the contract and a description of how that certification will be enforced, except that these requirements shall not apply to student-generated content if the student chooses to establish or maintain an account with the third party for the purpose of storing that content
8. A description of how the district and the third party will jointly ensure compliance with the federal Family Educational Rights and Privacy Act, 20 USC 1232g
9. A prohibition against the third party using personally identifiable information in student records to engage in targeted advertising

Contracts for Personnel Services

In order to achieve cost savings, the district may enter into or renew a contract for any personnel service that is currently or customarily performed by classified employees, if the contract does not displace school district employees and meets other conditions specified in Education Code 45103.1. To enter into or renew such a contract, the Board shall ensure that the district meets the numerous conditions specified in Education Code 45103.1.

1. The contract is for new district functions and the Legislature has specifically mandated or authorized the performance of the work by independent contractors.
2. The services contracted are not available within the district, cannot be performed satisfactorily by district employees, or are of such a highly specialized or technical nature that the necessary expert knowledge, experience, and ability are not available through the district.
3. The services are incidental to a contract for the purchase or lease of real or personal property, including, but not be limited to, agreements to service or maintain office equipment or computers that are leased or rented.
4. The district's policy, administrative, or legal goals and purposes cannot be accomplished through the utilization of persons selected pursuant to the regular or ordinary district hiring process.
5. The nature of the work is such that the criteria for emergency appointments, as defined in Education Code 45103.1, apply.
6. The contractor will provide equipment, materials, facilities, or support services that could not feasibly be provided by the district in the location where the services are to be performed.
7. The services are of such an urgent, temporary, or occasional nature that the delay that would result from using the district's regular or ordinary hiring process would frustrate their very purpose.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: 06/19/2018 Morgan Hill, California

Free And Reduced Price Meals AR 3553

Applications

The Superintendent or designee shall ensure that the district's application form for free and reduced-price meals and related materials include the statements specified in Education Code 49557 and 7 CFR 245.5. In addition, the application packet may include the notifications and information listed in Education Code 49557.2.

The application form and related information shall be distributed to all parents/guardians at the beginning of each school year and shall be available to students at all times during the school day. (Education Code

48980, 49520; 42 USC 1758; 7 CFR 245.5)

The form and information shall also be provided whenever a new student is enrolled.

Eligibility

The Superintendent or designee shall determine students' eligibility for the free and reduced-price meals program based on the criteria specified in 42 USC 1758 and 1773 and 7 CFR 245.1245.13 and made available by the California Department of Education.

When authorized by law, participants in other federal or state programs may be directly certified, without further application, for enrollment in the free and reduced-price meals program. (Education Code 49561; 42 USC 1758)

Verification of Eligibility

Not later than November 15 of each year, the Superintendent or designee shall verify the eligibility of a sample of household applications approved for the school year in accordance with the sample sizes and procedures specified in 42 USC 1758 and 7 CFR 245.6a. (42 USC 1758; 7 CFR 245.6a)

If the review indicates that the initial eligibility determination is correct, the Superintendent or designee shall verify the approved household application. If the review indicates that the initial eligibility determination is incorrect, the Superintendent or designee shall: (42 USC 1758; 7 CFR 245.6a)

1. If the eligibility status changes from reduced price to free, make the increased benefits immediately available and notify the household of the change in benefits

2. If the eligibility status changes from free to reduced price, first verify the application, then notify the household of the correct eligibility status, and, when required by law, send a notice of adverse action as described below

3. If the eligibility status changes from free or reduced price to paid, send the household a notice of adverse action as described below

If any household is to receive a reduction or termination of benefits as a result of verification activities, or if the household fails to cooperate with verification efforts, the Superintendent or designee shall reduce or terminate benefits, as applicable, and shall properly document and retain on file in the district the reasons for ineligibility. He/she also shall send a notice of adverse action to any household that is to receive a reduction or termination of benefits. Such notice shall be provided 10 days prior to the actual reduction or termination of benefits. The notice shall advise the household of: (7 CFR 245.6a)

1. The change and the reasons for the change

2. The right to appeal, when the appeal must be filed to ensure continued benefits while awaiting a hearing and decision, and instructions on how to appeal Confidentiality/Release of Records

The Superintendent designates the following district employee(s) to use individual records pertaining to student participation in the free and reduced-price meals program for the purpose of disaggregation of

academic achievement data or for the identification of students in any program improvement school eligible for school choice and supplemental educational services pursuant to 20 USC 6316:

Assistant Superintendent of Educational Services

In using the records for such purposes, the following conditions shall be satisfied: (Education Code 49558)

1. No individual indicators of participation in the free and reduced-price meals program shall be maintained in the permanent records of any student if not otherwise allowed by law. (cf. 5125 - Student Records)

2. Information regarding individual student participation in the free and reduced-price meals program shall not be publicly released. (cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

3. All other confidentiality provisions required by law shall be met.

4. Information collected regarding individual students certified to participate in the free and reduced-price meals program shall be destroyed when no longer needed for its intended purpose.

Nondiscrimination Plan

The district's plan for students receiving free or reduced-price meals shall ensure the following: (Education Code 49557; 42 USC 1758)
1. The names of the students shall not be published, posted, or announced in any manner, or used for any purpose other than the National School Lunch and School Breakfast Programs, unless otherwise provided by law.

2. There shall be no overt identification of any of the students by the use of special tokens or tickets or by any other means.

3. The students shall not be required to work for their meals or for milk.

4. The students shall not be required to use a separate dining area, go through a separate serving line or entrance, or consume their meals or milk at a different time.

When more than one lunch, breakfast, or type of milk is offered, the students shall have the same choice of meals or milk as is available to those students who pay the full price. (Education Code 49557; 7 CFR 245.8)

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: 11/13/2012 Morgan Hill, California

Nutrition Program Compliance BP 3555

The Governing Board recognizes the district's responsibility to comply with state and federal nondiscrimination laws as they apply to the district's nutrition programs. The district shall not deny any individual the benefits or service of any nutrition program or discriminate on any other basis prohibited by

law.

Compliance Coordinator

The Board shall designate the compliance officer specified in AR 1312.3 - Uniform Complaint Procedures, as coordinator of the district's efforts to comply with the laws governing its nutrition programs and to investigate any related complaints. Any complaint concerning the district's nutrition programs shall be investigated using the process identified in the section entitled "Procedures" in the district's AR 1312.3 - Uniform Complaint Procedures.

The responsibilities of the compliance coordinator include, but are not limited to:

1. Providing the name of the compliance coordinator, the Section 504 coordinator, and Title IX coordinator, if different from the compliance coordinator, to the California Department of Education (CDE) and other interested parties

2. Annually providing mandatory civil rights training to all frontline staff who interact with program applicants or participants and to those who supervise frontline staff

3. The subject matter of such training shall include, but not be limited to, collection and use of data, effective public notification systems, complaint procedures, compliance review techniques, resolution of noncompliance, requirements for reasonable accommodation of persons with disabilities, requirements for language assistance, conflict resolution, and customer service.

4. Establishing admission and enrollment procedures that do not restrict enrollment of students on the basis of race, ethnicity, national origin, or disability, including preventing staff from incorrectly denying applications and ensuring that such persons have equal access to all programs

5. Sending a public release announcing the availability of the child nutrition programs and/or changes in the programs to public media and to community and grassroots organizations that interact directly with eligible or potentially eligible participants

6. Communicating the program's nondiscrimination policy and applicable complaint procedures, as provided in the section "Notifications" below

7. Providing appropriate translation services when a significant number of persons in the surrounding population have limited English proficiency

8. Ensuring that every part of a facility is accessible to and usable by persons with disabilities and that participants with disabilities are not excluded from the benefits or services due to inaccessibility of facilities

9. Ensuring that special meals are made available to participants with disabilities who have a medical statement on file documenting that their disability restricts their diet

10. Implementing procedures to process and resolve civil rights complaints, including alleged discrimination on the basis of race, color, national origin, age, sex, sexual orientation, gender identity, or disability, and program-related complaints, including maintaining a complaint log, working with the appropriate person to resolve any complaint, and referring the complainant to the appropriate state

or federal agency when necessary

11. Developing a method, which preferably uses self-identification or self-reporting, to collect racial and ethnic data for potentially eligible populations, applicants, and participants

Notifications

The compliance coordinator shall ensure that the U.S. Department of Agriculture's (USDA) "And Justice for All" civil rights poster, or a substitute poster approved by USDA's Food and Nutrition Service, is displayed in areas visible to the district's nutrition program participants, such as food service areas and school offices.

The compliance coordinator shall notify the public, all program applicants, participants, and potentially eligible persons of their rights and responsibilities and steps necessary to participate in the nutrition programs, including program requirements and program availability. Applicants, participants, and the public also shall be advised of their right to file a complaint, how to file a complaint, the complaint procedures, and that a complaint may be filed anonymously or by a third party.

In addition, the compliance coordinator shall ensure that all forms of communication available to the public regarding program availability shall contain, in a prominent location, the most current version of the nondiscrimination statement provided by USDA about the district's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the district.

Forms of communication requiring this nondiscrimination statement include, but are not limited to, websites, public information releases, publications, and posters, but exclude items such as cups, buttons, magnets, menus, and pens that identify the program when the size or configuration makes it impractical. The nondiscrimination statement need not be included on every page of program information on the district's or school's website, but the statement or a link to the statement shall be included on the home page of the program information.

A short version of the nondiscrimination statement, as provided by USDA, may be used on pamphlets, brochures, and flyers in the same print size as the rest of the text.

Complaints of Discrimination

A complaint alleging discrimination in the district's nutrition program(s) on the basis of race, color, national origin, sex, sexual orientation, gender identity, age, or disability shall, within 180 days of the alleged discriminatory act, be filed or referred to USDA at any of the following: (5 CCR 15582)

Mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410
Phone: (866) 632-9992, (800) 877-8339 (Federal Relay Service-English, deaf, hard of hearing, or speech disabilities), (800) 845-6136 (Federal Relay Service - Spanish)
Fax: (833) 256-1665 or (202) 690-7442
Email: program.intake@usda.gov

Complaints of discrimination on any other basis shall be investigated by the district using the process

identified in AR 1312.3 - Uniform Complaint Procedures.

Complaints Regarding Noncompliance with Program Requirements

Any complaint alleging that the district has not complied with program requirements pertaining to meal counting and claiming, reimbursable meals, eligibility of a child or adult, use of cafeteria funds and allowable expenses in relation to any child nutrition program specified in Education Code 49550-49564.5 shall be filed with or referred to CDE. (Education Code 49556; 5 CCR 15584)

Complaints against a program operator that is not an educational agency shall be filed with or referred to CDE. (5 CCR 15584)

Complaints of noncompliance with any other nutrition program requirements shall be submitted to and investigated by the district using the following procedures.

Complaints may be filed by a student or the student's duly authorized representative by phone, email, or letter. The complaint shall be submitted within one year from the date of the alleged violation and shall include the following: (5 CCR 15581)

1. A statement that the district has violated a law or regulation relating to its child nutrition program
2. The facts on which the statement is based
3. The name of the district or the school against which the allegations are made
4. The complainant's contact information
5. The name of the student if alleging violations regarding a specific student

The district shall investigate and prepare a written report pursuant to 5 CCR 4631. (5 CCR 15583)

Unless extended by written agreement with the complainant, the district's compliance coordinator shall investigate the complaint and prepare a written report to be sent to the complainant within 60 days of the district's receipt of the complaint. (5 CCR 15583; 5 CCR 4631)

If the complainant is not satisfied with the findings in the district's report, the complainant may appeal the decision to CDE by filing a written appeal within 30 days of receiving the decision. (5 CCR 4632)

Policy adopted: 11/13/2012

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Administering Medication and Monitoring Health Conditions AR 5141.21

Definitions

Authorized health care provider means an individual who is licensed by the State of California to prescribe

or order medication, including, but not limited to, a physician or physician assistant. (Education Code 49423; 5 CCR 601)

Other designated school personnel mean any individual employed by the district, including a nonmedical school employee, who has volunteered or consented to administer medication or otherwise assist the student and who may legally administer the medication to the student or assist the student in the administration of the medication. (5 CCR 601, 621)

Medication may include not only a substance dispensed in the United States by prescription, but also a substance that does not require a prescription, such as over-the-counter remedies, nutritional supplements, and herbal remedies. (5 CCR 601)

Epinephrine auto-injector means a disposable delivery device designed for the automatic injection of a premeasured dose of epinephrine into the human body to prevent or treat a life-threatening allergic reaction. (Education Code 49414)

Anaphylaxis means a potentially life-threatening hypersensitivity to a substance, which may result from an insect sting, food allergy, drug reaction, exercise, or other cause. Symptoms may include shortness of breath, wheezing, difficulty breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma. (Education Code 49414)

Opioid antagonist means naloxone hydrochloride or another drug approved by the federal Food and Drug Administration that, when administered, negates or neutralizes in whole or in part the pharmacological effects of an opioid in the body and that has been approved for the treatment of an opioid overdose. (Education Code 49414.3)

Notifications to Parents/Guardians

At the beginning of each school year, the Superintendent or designee shall notify parents/guardians of the options available to students who need to take prescribed medication during the school day and the rights and responsibilities of parents/guardians regarding those options. (Education Code 49480)

In addition, the Superintendent or designee shall inform the parents/guardians of any student on a continuing medication regimen for a nonepisodic condition of the following requirements: (Education Code 49480)

1. The parent/guardian is required to inform the school nurse or other designated employee of the medication being taken, the current dosage, and the name of the supervising physician.

2. With the parent/guardian's consent, the school nurse or other designated employee may communicate with the student's physician regarding the medication and its effects and may counsel school personnel regarding the possible effects of the medication on the student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

Parent/Guardian Responsibilities

The responsibilities of the parent/guardian of any student who may need medication during the school day shall include, but are not limited to:

1. Submitting the parent/guardian written statement and the authorized health care provider's written statement each school year as described in the sections "Parent/Guardian Statement" and "Health Care Provider Statement" below. The parent/guardian shall provide a new authorized health care provider's statement if the medication, dosage, frequency of administration, or reason for administration changes. (Education Code 49414.5, 49423, 49423.1; 5 CCR 600, 626)

2. If the student is on a continuing medication regimen for a nonepisodic condition, informing the school nurse or other designated certificated employee of the medication being taken, the current dosage, and the name of the supervising physician, and updating the information when needed. (Education Code 49480)

3. Providing medications in properly labeled, original containers along with the authorized health care provider's instructions. For prescribed or ordered medication, the container also shall bear the name and telephone number of the pharmacy, the student's identification, and the name and phone number of the authorized health care provider. (5 CCR 606)

Parent/Guardian Statement

When district employees are to administer medication to a student, the parent/guardian's written statement shall:

1. Identify the student

2. Grant permission for an authorized district representative to communicate directly with the student's authorized health care provider and pharmacist, as may be necessary, regarding the health care provider's written statement or any other questions that may arise with regard to the medication

3. Contain an acknowledgment that the parent/guardian understands how district employees will administer the medication or otherwise assist the student in its administration

4. Contain an acknowledgment that the parent/guardian understands the responsibilities to provide a written statement from the authorized health care provider, to ensure that the medication is delivered to the school in a proper container by an individual legally authorized to be in possession of the medication, and to provide all necessary supplies and equipment

5. Contain an acknowledgment that the parent/guardian understands the right to terminate the consent for the administration of the medication or for otherwise assisting the student in the administration of medication at any time

In addition to the requirements in items #1-5 above, if a parent/guardian has requested that the student be allowed to carry and self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication, the parent/guardian's written statement shall: (Education Code 49423, 49423.1)

1. The individual's willingness to accept the designation

2. That the individual is permitted to be on the school site

3. Any limitations on the individual's authority

Health Care Provider Statement

When any district employee is to administer prescribed medication to a student, or when a student is to be allowed to carry and self-administer prescribed medication during school hours, the authorized health care provider's written statement shall include:

1. Clear identification of the student (Education Code 49423, 49423.1; 5 CCR 602)

2. The name of the medication (Education Code 49423, 49423.1; 5 CCR 602)

3. The method, amount, and time schedules by which the medication is to be taken (Education Code 49423, 49423.1; 5 CCR 602)

4. If a parent/guardian has requested that the student be allowed to self-administer medication, confirmation that the student is able to self-administer the medication (Education Code 49414.5, 49423, 49423.1; 5 CCR 602)

5. For medication that is to be administered by unlicensed personnel, confirmation by the student's health care provider that the medication may safely and appropriately be administered by unlicensed personnel (Education Code 49423, 49423.1; 5 CCR 602)

6. For medication that is to be administered on an as-needed basis, the specific symptoms that would necessitate administration of the medication, allowable frequency for administration, and indications for referral for medical evaluation

7. Possible side effects of the medication

8. Name, address, telephone number, and signature of the student's authorized health care provider

For self-administration of inhaled asthma medication, the district shall accept a written statement from a physician or surgeon contracted with a health plan licensed pursuant to Health and Safety Code 1351.2. Such written statement shall be in English and Spanish, and shall include the name and contact information for the physician or surgeon. (Education Code 49423.1)

District Responsibilities

The Superintendent or designee shall ensure that any unlicensed school personnel authorized to administer medication to a student receives appropriate training from the school nurse or other qualified medical personnel.

The school nurse or other designated school personnel shall:

1. Administer or assist in administering medication in accordance with the authorized health care provider's written statement

2. Accept delivery of medications from parents/guardians and count and record them upon receipt

3. Maintain a list of students needing medication during the school day, including those authorized to

self-administer medication, and note on the list the type of medication and the times and dosage to be administered

4. Maintain for each student a medication log which may:

a. Specify the student's name, medication, dose, method of administration, time of administration during the regular school day, date(s) on which the student is required to take the medication, and the authorized health care provider's name and contact information

b. Contain space for daily recording of the date, time, and amount of medication administered, and the signature of the individual administering the medication

5. Maintain for each student a medication record which may include the authorized health care provider's written statement, the parent/guardian's written statement, the medication log, and any other written documentation related to the administration of medication to the student

6. Ensure that student confidentiality is appropriately maintained

7. Coordinate and, as appropriate, ensure the administration of medication during field trips and other school-related activities

8. Report to a student's parent/guardian and the site administrator any refusal by the student to take the medication

9. Keep all medication to be administered by the district in a locked drawer or cabinet

10. As needed, communicate with a student's authorized health care provider and/or pharmacist regarding the medication and its effects

11. Counsel other designated school personnel regarding the possible effects of a medication on a student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose

12. Ensure that any unused, discontinued, or outdated medication is returned to the student's parent/guardian at the end of the school year or, if the medication cannot be returned, dispose of it in accordance with state laws and local ordinances

13. In the event of a medical emergency requiring administration of medication, provide immediate medical assistance, directly observe the student following the administration of medication, contact the student's parent/guardian, and determine whether the student should return to class, rest in the school office, or receive further medical assistance

14. Report to the site administrator, the student's parent/guardian, and, if necessary, the student's authorized health care provider any instance when a medication is not administered properly, including administration of the wrong medication or failure to administer the medication in accordance with authorized health care provider's written statement

Emergency Epinephrine Auto-Injectors

The Superintendent or designee shall provide epinephrine auto-injectors to school nurses or other employees who have volunteered to administer them in an emergency and have received training. The school nurse, or a volunteer employee when a school nurse or physician is unavailable, may administer an epinephrine auto-injector to provide emergency medical aid to any person suffering, or reasonably believed to be suffering, from potentially life-threatening symptoms of anaphylaxis at school or a school activity. (Education Code 49414)

At least once per school year, the Superintendent or designee shall distribute to all staff a notice requesting volunteers to be trained to administer an epinephrine auto-injector and describing the training that the volunteer will receive. (Education Code 49414)

The principal or designee at each school may designate one or more volunteers to receive initial and annual refresher training, which shall be provided by a school nurse or other qualified person designated by a physician and surgeon authorized pursuant to Education Code 49414 and shall be based on the standards developed by the Superintendent of Public Instruction (SPI). Written materials covering the required topics for training shall be retained by the school for reference. (Education Code 49414)

A school nurse or other qualified supervisor of health, or a district administrator if the district does not have a qualified supervisor of health, shall obtain a prescription for epinephrine auto-injectors for each school from an authorized physician and surgeon. Such prescription may be filled by local or mail order pharmacies or epinephrine auto-injector manufacturers. Elementary schools shall, at a minimum, be provided one adult (regular) and one junior epinephrine auto-injector. Secondary schools shall be provided at least one adult (regular) epinephrine auto-injector, unless there are any students at the school who require a junior epinephrine auto-injector. (Education Code 49414)

If an epinephrine auto-injector is used, the school nurse or other qualified supervisor of health shall restock the epinephrine auto-injector as soon as reasonably possible, but no later than two weeks after it is used. In addition, epinephrine auto-injectors shall be restocked before their expiration date. (Education Code 49414)

Information regarding defense and indemnification provided by the district for any and all civil liability for volunteers administering epinephrine auto-injectors shall be provided to each volunteer and retained in the employee's personnel file. (Education Code 49414)

A school may accept gifts, grants, and donations from any source for the support of the school in carrying out the requirements of Education Code 49414, including, but not limited to, the acceptance of epinephrine auto-injectors from a manufacturer or wholesaler. (Education Code 49414)

The Superintendent or designee shall maintain records regarding the acquisition and disposition of epinephrine auto-injectors for a period of three years from the date the records were created. (Business and Professions Code 4119.2)

Emergency Medication for Opioid Overdose

The district may elect to make emergency naloxone hydrochloride or another opioid antagonist available at schools for the purpose of providing emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose. In determining whether to make this medication available, the Superintendent or designee shall evaluate the emergency medical response time to the school and determine whether initiating emergency medical services is an acceptable alternative to providing an opioid

antagonist and training personnel to administer the medication. (Education Code 49414.3)

When available at the school site, the school nurse shall provide emergency naloxone hydrochloride or another opioid antagonist for emergency medical aid to any person exhibiting potentially life-threatening symptoms of an opioid overdose at school or a school activity. Other designated personnel who have volunteered and have received training may administer such medication when a school nurse or physician is unavailable, and shall only administer the medication by nasal spray or auto-injector. (Education Code 49414.3)

At least once per school year, the Superintendent or designee shall distribute to all staff a notice requesting volunteers to be trained to administer naloxone hydrochloride or another opioid antagonist, describing the training that the volunteer will receive, and explaining the right of the volunteer to rescind the offer to volunteer at any time, including after receiving training. The notice shall also include a statement that no benefit will be granted to or withheld from any employee based on the offer to volunteer and that there will be no retaliation against any employee for rescinding the offer to volunteer. (Education Code 49414.3)

The principal or designee may designate one or more volunteer employees to receive initial and annual refresher training, based on standards adopted by the SPI, regarding the storage and emergency use of naloxone hydrochloride or another opioid antagonist. The training shall be provided at no cost to the employee, conducted during regular working hours, and be provided by a school nurse or other qualified person designated by an authorizing physician and surgeon. Written materials provided during the training shall be retained at the school for reference. (Education Code 49414.3)

A school nurse, other qualified supervisor of health, or, if the district does not have a qualified supervisor of health, a district administrator shall obtain a prescription for naloxone hydrochloride or another opioid antagonist for each school from an authorized physician and surgeon. Such prescription may be filled by local or mail order pharmacies or manufacturers. (Education Code 49414.3)

If the medication is used, the school nurse, other qualified supervisor of health, or district administrator, as applicable, shall restock the medication as soon as reasonably possible, but no later than two weeks after it is used. In addition, the medication shall be restocked before its expiration date. (Education Code 49414.3)

Information regarding defense and indemnification provided by the district for any and all civil liability for volunteers administering naloxone hydrochloride or another opioid antagonist for emergency aid shall be provided to each volunteer and retained in the employee's personnel file. (Education Code 49414.3)

A school may accept gifts, grants, and donations from any source for the support of the school in carrying out the requirements of Education Code 49414.3, including, but not limited to, the acceptance of the naloxone hydrochloride or another opioid antagonist from a manufacturer or wholesaler. (Education Code 49414.3)

The Superintendent or designee shall maintain records regarding the acquisition and disposition of naloxone hydrochloride or another opioid antagonist for a period of three years from the date the records were created. (Business and Professions Code 4119.8)

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: 06/23/2015 Morgan Hill, California

Education Code 49423. Administration of Prescribed Medication to Pupils:

(a) Notwithstanding Section 49422, any pupil who is required to take, during the regular school day, medication prescribed for the pupil by a physician and surgeon or ordered for the pupil by a physician assistant practicing in compliance with Chapter 7.7 (commencing with Section 3500) of Division 2 of the Business and Professions Code, may be assisted by the school nurse or other designated school personnel, or may carry and self-administer a prescription epinephrine delivery system, if the local educational agency receives the appropriate written statements identified in subdivision (b).

(b) (1) In order for a pupil to be assisted by a school nurse or other designated school personnel pursuant to subdivision (a), the local educational agency shall obtain both a written statement from the physician and surgeon or physician assistant detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken and a written statement from the parent, foster parent, or guardian of the pupil indicating the desire that the local educational agency assist the pupil in the matters set forth in the statement of the physician and surgeon or physician assistant.

(2) In order for a pupil to carry and self-administer a prescription epinephrine delivery system pursuant to subdivision (a), the local educational agency shall obtain both a written statement from the physician and surgeon or physician assistant detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken, and confirming that the pupil is able to self-administer the epinephrine delivery system, and a written statement from the parent, foster parent, or guardian of the pupil consenting to the self-administration, providing a release for the school nurse or other designated school personnel to consult with the health care provider of the pupil regarding any questions that may arise with regard to the medication, and releasing the local educational agency and school personnel from civil liability if the self-administering pupil suffers an adverse reaction as a result of self-administering medication pursuant to this paragraph.

(3) The written statements specified in this subdivision shall be provided at least annually and more frequently if the medication, dosage, frequency of administration, or reason for administration changes.

(c) A pupil may be subject to disciplinary action pursuant to Section 48900 if that pupil uses an epinephrine delivery system in a manner other than as prescribed.

(d) For purposes of this section, “local educational agency” means a school district, county office of education, or charter school.

Health Examinations AR 5141.3

The principal at each school shall notify parents/guardians of the rights of students and parents/guardians related to health examinations. (Education Code 48980; 20 USC 1232h)

A parent/guardian may annually file a written statement with the principal withholding consent to the physical examination of his/her child. Any such student shall be exempt from any physical examination but shall be subject to exclusion from attendance when contagious or infectious disease is reasonably suspected. (Education Code 49451; 20 USC 1232h)

Vision and Hearing Tests

Students shall have their vision and hearing tested by qualified personnel authorized by the district. (Education Code 49452, 49454)

All students shall be tested for visual acuity when they first enroll in elementary school and at least every three years thereafter until they complete grade 8. Gross external observation of the student's eyes, visual performance, and perception shall be made by the school nurse and the classroom teacher. (Education Code 49455)

For male students, color vision shall be tested one time, after the student reaches grade 1. Results of the test shall be entered into the student's health record. (Education Code 49455)

Evaluation of a student's vision may be waived at the parent/guardian's request if the parent/guardian presents a certificate from an authorized health care provider specifying the results of an examination of the student's vision, including visual acuity, and, in male students, color vision. (Education Code 49455)

Visual defects or any other defects found as a result of the vision examination shall be reported to the parent/guardian with a request that remedial action be taken to correct or cure the defect. The report of a visual defect, if made in writing, shall be made on a form prescribed by the Superintendent of Public Instruction. (Education Code 49456)

Such reports shall not include a referral to any private practitioner. However, the student may be referred to a public clinic or diagnostic and treatment center operated by a public hospital or by the state, county, or city department of public health. (Education Code 49456)

Scoliosis Screening

Each female student in grade 7 and each male student in grade 8 shall be screened for scoliosis. This screening shall comply with California Department of Education (CDE) standards and shall be performed by qualified personnel as specified in law. (Education Code 49452.5)

Persons performing the screening shall not solicit, encourage, or advise treatment of the student for scoliosis or any other condition discovered in the course of the screening. (Education Code 49452.5)

The parent/guardian of any student suspected of having scoliosis shall receive a notice which includes an explanation of scoliosis and describes the significance of treatment at an early age. This notice shall also describe the public services available for treatment and include a referral to appropriate community resources. (Education Code 49452.5)

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: 11/13/2012 Morgan Hill, California

Health Examinations BP 5141.3

The Governing Board recognizes that periodic health examinations of students may lead to early detection and treatment of conditions that impact learning. Health examinations also may help in determining

whether special adaptations of the school program are necessary.

The Superintendent or designee shall verify that students have complied with legal requirements for a comprehensive health screening, an oral health assessment, and immunizations at school entry. In addition, the district shall administer tests for vision, hearing, and scoliosis as required by law.

All students who participate as cheerleaders, song leaders, or athletes in organized competitive sports shall first undergo a medical examination and submit documentation of medical clearance to the district. Upon sustaining an injury or serious illness, a student may be required to have another examination before participating further. This requirement does not apply to participants in occasional play day or field day activities.

The Superintendent or designee shall ensure that staff employed to examine students exercise proper care of each student and that examination results are kept confidential. Records related to these examinations shall be maintained and released only in accordance with law.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: 11/13/2012 Morgan Hill, California

Sexual Health And HIV/AIDS Prevention Instruction AR 6142.1

Definitions

Comprehensive sexual health education means education regarding human development and sexuality, including education on pregnancy, contraception, and sexually transmitted infections. (Education Code 51931)

HIV prevention education means instruction on the nature of human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS), methods of transmission, strategies to reduce the risk of HIV infection, and social and public health issues related to HIV and AIDS. (Education Code 51931)

Age appropriate refers to topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group. (Education Code 51931)

Medically accurate means verified or supported by research conducted in compliance with scientific methods and published in peer-reviewed journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the federal Centers for Disease Control and Prevention, the American Public Health Association, the American Academy of Pediatrics, and the American College of Obstetricians and Gynecologists. (Education Code 51931)

General Criteria for Instruction and Materials

The Superintendent or designee shall ensure that the district's comprehensive sexual health and HIV prevention instruction and materials: (Education Code 51933)

1. Are age appropriate

2. Are medically accurate and objective

3. Are aligned with and support the following purposes as specified in Education Code 51930:

a. To provide students with the knowledge and skills necessary to protect their sexual and reproductive health from HIV and other sexually transmitted infections and from unintended pregnancy

b. To provide students with the knowledge and skills they need to develop healthy attitudes concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family

c. To promote understanding of sexuality as a normal part of human development

d. To ensure students receive integrated, comprehensive, accurate, and unbiased sexual health and HIV prevention instruction and provide educators with clear tools and guidance to accomplish that end

e. To provide students with the knowledge and skills necessary to have healthy, positive, and safe relationships and behaviors

4. Are appropriate for use with English learners, students with disabilities, and students of all races, genders, sexual orientations, and ethnic and cultural backgrounds

5. Are available on an equal basis to a student who is an English learner, consistent with the existing curriculum and alternative options for an English learner as otherwise provided in the Education Code

6. Are accessible to students with disabilities, including, but not limited to, the provision of a modified curriculum, materials, and instruction in alternative formats and auxiliary aids

7. Do not reflect or promote bias against any person in protected categories of discrimination pursuant to Education Code 220

8. Affirmatively recognize that people have different sexual orientations and, when discussing or providing examples of relationships and couples, shall be inclusive of same-sex relationships

9. Teach students about gender, gender expression, and gender identity, and explore the harm of negative gender stereotypes

10. Encourage students to communicate with their parents/guardians and other trusted adults about human sexuality and provide the knowledge and skills necessary to do so

11. Teach the value of and prepare students to have and maintain healthy, consensual relationships.

12. Provide students with knowledge and skills they need to form healthy relationships that are based on mutual respect and affection and are free from violence, coercion, mental abuse, harassment, and

intimidation

13. Provide students with knowledge and skills for making and implementing healthy decisions about sexuality, including communication and refusal skills to assist students in overcoming peer pressure and using effective decision-making skills to avoid high-risk activities

14. Do not teach or promote religious doctrine

Components of Sexual Health and HIV Prevention Education

The district's comprehensive sexual health education and HIV prevention education for students in grades 7-12, in addition to complying with the criteria listed above in the section "General Criteria for Instruction and Materials," shall include all of the following: (Education Code 51934)

1. Information on the nature of HIV and other sexually transmitted infections and their effects on the human body

2. Information on the manner in which HIV and other sexually transmitted infections are and are not transmitted, including information on the relative risk of infection according to specific behaviors, including sexual behaviors and injection drug use

3. Information that abstinence from sexual activity and injection drug use is the only certain way to prevent HIV and other sexually transmitted infections, and that abstinence from sexual intercourse is the only certain way to prevent unintended pregnancy The instruction shall provide information about the value of delaying sexual activity while also providing medically accurate information on other methods of preventing HIV and other sexually transmitted infections and pregnancy.

4. Information about the effectiveness and safety of all federal Food and Drug Administration (FDA) approved methods that prevent or reduce the risk of contracting HIV and other sexually transmitted infections, including use of antiretroviral medication, consistent with the Centers for Disease Control and Prevention

5. Information about the effectiveness and safety of reducing the risk of HIV transmission as a result of injection drug use by decreasing needle use and needle sharing

6. Information about the treatment of HIV and other sexually transmitted infections, including how antiretroviral therapy can dramatically prolong the lives of many people living with HIV and reduce the likelihood of transmitting HIV to others

7. Discussion about social views on HIV and AIDS, including addressing unfounded stereotypes and myths regarding HIV and AIDS and people living with HIV This instruction shall emphasize that successfully treated HIV-positive individuals have a normal life expectancy, all people are at some risk of contracting HIV, and testing is the only way to know if one is HIV-positive.

8. Information about local resources, how to access local resources, and students' legal rights to access local resources for sexual and reproductive health care such as testing and medical care for HIV and other sexually transmitted infections and pregnancy prevention and care, as well as local resources for assistance with sexual assault and intimate partner violence

9. Information about the effectiveness and safety of FDA-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception. Instruction on pregnancy shall include an objective discussion of all legally available pregnancy outcomes, including, but not limited to:

a. Parenting, adoption, and abortion

b. Information on the law on surrendering physical custody of a minor child 72 hours of age or younger, pursuant to Health and Safety Code 1255.7 and Penal Code 271.5

c. The importance of prenatal care

10. Information about sexual harassment, sexual assault, sexual abuse, and human trafficking, including:

a. Information on the prevalence and nature of human trafficking, strategies to reduce the risk of human trafficking, techniques to set healthy boundaries, and how to safely seek assistance if there is a suspicion of trafficking

b. Information on how social media and mobile device applications are used for human trafficking

11. Information about adolescent relationship abuse and intimate partner violence, including the early warning signs of each

The district's comprehensive sexual health education and HIV prevention education shall include instruction regarding the potential risks and consequences of creating and sharing suggestive or sexually explicit materials through cell phones, social networking web sites, computer networks, or other digital media. (Education Code 51934)

Professional Development

The district's comprehensive sexual health education and HIV prevention education shall be provided by instructors trained in the appropriate courses who are knowledgeable of the most recent medically accurate research on human sexuality, healthy relationships, pregnancy, and HIV and other sexually transmitted infections. (Education Code 51931, 51934)

The Superintendent or designee shall cooperatively plan and conduct in-service training for all district personnel who provide HIV prevention education, through regional planning, joint powers agreements, or contract services which may include online training for bloodborne pathogens. (Education Code 51935)

In developing and providing in-service training, the Superintendent or designee shall cooperate and collaborate with the teachers who provide HIV prevention education and with the California Department of Education (CDE). (Education Code 51935)

The district shall periodically conduct in-service training to enable district personnel to learn new developments in the scientific understanding of HIV. In-service training shall be voluntary for personnel who have demonstrated expertise or received in-service training from the CDE or Centers for Disease Control and Prevention. (Education Code 51935)

The Superintendent or designee may expand HIV in-service training to cover the topic of comprehensive sexual health education in order for district personnel teaching comprehensive sexual health education to learn new developments in the scientific understanding of sexual health. (Education Code 51935)

The Superintendent or designee shall periodically provide continuing education that enables district personnel to learn about new developments in the understanding of abuse, including sexual abuse, and human trafficking and current prevention efforts and methods. Such education may include early identification of abuse, including sexual abuse, and human trafficking of students and minors. (Education Code 51950)

Use of Consultants or Guest Speakers

The Superintendent or designee may contract with outside consultants or guest speakers, including those who have developed multilingual curricula or curricula accessible to persons with disabilities, to deliver comprehensive sexual health and HIV prevention education or to provide training for district personnel. All outside consultants and guest speakers shall have expertise in comprehensive sexual health education and HIV prevention education and knowledge of the most recent medically accurate research on the relevant topic(s) covered in the instruction. The Superintendent or designee shall ensure that any instruction provided by an outside speaker or consultant complies with Board policy, administrative regulation, and Education Code 5193051939. (Education Code 51933, 51934, 51936)

Parent/Guardian Notification

At the beginning of each school year or at the time of a student's enrollment, the Superintendent or designee shall notify parents/guardians about instruction in comprehensive sexual health education and HIV prevention education, as well as research on student health behaviors and risks, planned for the coming year. The notice shall advise parents/guardians: (Education Code 48980, 51938)

1. That written and audiovisual educational materials to be used in comprehensive sexual health and HIV prevention education are available for inspection

2. That parents/guardians have a right to excuse their child from comprehensive sexual health or HIV prevention education, or research on student health behaviors and risks, provided they submit their request in writing to the district

3. That parents/guardians have a right to request a copy of Education Code 51930-51939

4. Whether the comprehensive sexual health or HIV prevention education will be taught by district personnel or outside consultants and, if the district chooses to use outside consultants or guest speakers for this purpose, the following information:

   a. The date of the instruction

   b. The name of the organization or affiliation of each guest speaker

   c. Information stating the right of the parent/guardian to request a copy of Education Code 51933, 51934, and 51938

If the arrangements for instruction by outside consultants or guest speakers are made after the beginning of the school year, the Superintendent or designee shall notify parents/guardians by mail or another commonly used method of notification no fewer than 14 days before the instruction is given.

Non-applicability to Certain Instruction or Materials

The requirements of Education Code 51930-51939 pertaining to instructional content, teacher training, and parental notification and consent shall not apply to the following: (Education Code 51932)

1. A description or illustration of human reproductive organs that may appear in a textbook, adopted pursuant to law, if the textbook does not include other elements of comprehensive sexual health education or HIV prevention education as defined in Education Code 51931

2. Instruction, materials, presentations, or programming that discusses gender, gender identity, gender expression, sexual orientation, discrimination, harassment, bullying, intimidation, relationships, or family and does not discuss human reproductive organs and their functions

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: 06/12/2019 Morgan Hill, California

Education Code 51938. Right to Excuse Child From all or Part of Comprehensive Sexual Health education, HIV/AIDS Prevention Education, and Assessments Related to That Education:

(a) A parent or guardian of a pupil has the right to excuse their child from all or part of comprehensive sexual health education, HIV prevention education, and assessments related to that education through a passive consent ("opt-out") process. A school district shall not require active parental consent ("opt-in") for comprehensive sexual health education and HIV prevention education.

(b) At the beginning of each school year, or, for a pupil who enrolls in a school after the beginning of the school year, at the time of that pupil's enrollment, each school district shall notify the parent or guardian of each pupil about instruction in comprehensive sexual health education and HIV prevention education and research on pupil health behaviors and risks planned for the coming year. The notice shall do all of the following:

(1) Advise the parent or guardian that written and audiovisual educational materials used in comprehensive sexual health education and HIV prevention education are available for inspection.

(2) Advise the parent or guardian whether the comprehensive sexual health education or HIV prevention education will be taught by school district personnel or by outside consultants. A school district may provide comprehensive sexual health education or HIV prevention education, to be taught by outside consultants, and may hold an assembly to deliver comprehensive sexual health education or HIV prevention education by guest speakers, but if it elects to provide comprehensive sexual health education or HIV prevention education in either of these manners, the notice shall include the date of the instruction, the name of the organization or affiliation of each guest speaker, and information stating the right of the parent or guardian to request a copy of this section, Section 51933, and Section 51934. If arrangements for this instruction are made after the beginning of the school year, notice shall be made by mail or another commonly used method of notification, no fewer than 14 days before the instruction is delivered.

(3) Include information explaining the parent's or guardian's right to request a copy of this chapter.

(4) Advise the parent or guardian that the parent or guardian has the right to excuse their child from comprehensive sexual health education and HIV prevention education and that in order to excuse their child they must state their request in writing to the school district.

(c) Notwithstanding Section 51513, anonymous, voluntary, and confidential research and evaluation tools to measure pupils' health behaviors and risks, including tests, questionnaires, and surveys containing age-appropriate questions about the pupil's attitudes concerning or practices relating to sex, may be administered to any pupil in grades 7 to 12, inclusive. A parent or guardian has the right to excuse their child from the test, questionnaire, or survey through a passive consent ("opt-out") process. A school district shall not require active parental consent ("opt-in") for these tests, questionnaires, or surveys in grades 7 to 12, inclusive. Parents or guardians shall be notified in writing that this test, questionnaire, or survey is to be administered, given the opportunity to review the test, questionnaire, or survey if they wish, notified of their right to excuse their child from the test, questionnaire, or survey, and informed that in order to excuse their child they must state their request in writing to the school district.

(d) The use of outside consultants or guest speakers as described in paragraph (2) of subdivision (b) is within the discretion of the school district.

Refusal To Harm or Destroy Animals AR 5145.8

Any student who has a moral objection to dissecting or otherwise harming or destroying animals shall have the right to refrain from participating in instruction which involves such activities and shall not be discriminated against because of a decision to exercise this right. (Education Code 32255.1)

The right to refrain from instruction involving harmful or destructive use of animals shall apply to all K-12 courses, except classes and activities conducted as part of agricultural education that provide instruction on the care, management, and evaluation of domestic animals. (Education Code 32255.5, 32255.6)

At the beginning of each academic year, the Superintendent or designee shall notify parents/guardians, in writing, of students' right to refrain from instruction involving the harmful or destructive use of animals. (Education Code 48980)

In addition, each teacher of a course that uses live or dead animals or animal parts shall inform students of their right to refrain from the harmful or destructive use of animals. (Education Code 32255.4)

A student who wishes to refrain from such instruction shall notify the teacher and shall provide a note from his/her parent/guardian substantiating the objection. (Education Code 32255.1)

If the teacher believes an adequate alternative project is possible, he/she may work with the student to develop and agree upon an alternative project which would provide the knowledge, information, or experience required by the course of study. Alternative projects include, but are not limited to, the use of video recordings, models, films, books, and computers. The alternative project shall involve time and effort by the student comparable to that required by the original project. (Education Code 32255, 32255.1)

A teacher's determination of whether the student may pursue an alternative project or be excused from the project shall not be arbitrary or capricious. (Education Code 32255.3)

In order to receive course credit, students who participate in an alternative project shall pass all course examinations. Students may request an alternative test, however, if a regular examination requires the harmful or destructive use of animals. (Education Code 32255.1)

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: 11/13/2012 Morgan Hill, California

Education Code 32255.1. Pupils' Rights to Refrain from the Harmful or Destructive Use of Animals:

(a) Except as otherwise provided in Section 32255.6, any pupil with a moral objection to dissecting or otherwise harming or destroying animals, or any parts thereof, shall notify his or her teacher regarding this objection, upon notification by the school of his or her rights pursuant to Section 32255.4.

(b) If the pupil chooses to refrain from participation in an education project involving the harmful or destructive use of animals, and if the teacher believes that an adequate alternative education project is possible, the teacher may work with the pupil to develop and agree upon an alternate education project for the purpose of providing the pupil an alternate avenue for obtaining the knowledge, information, or experience required by the course of study in question.

(c) The alternative education project shall require a comparable time and effort investment by the pupil. It shall not, as a means of penalizing the pupil, be more arduous than the original education project.

(d) The pupil shall not be discriminated against based upon his or her decision to exercise his or her rights pursuant to this chapter.

(e) Pupils choosing an alternative educational project shall pass all examinations of the respective course of study in order to receive credit for that course of study. However, if tests require the harmful or destructive use of animals, a pupil may, similarly, seek alternative tests pursuant to this chapter.

(f) A pupil's objection to participating in an educational project pursuant to this section shall be substantiated by a note from his or her parent or guardian.

Guidance/Counseling Services BP 6164.2

The Governing Board recognizes that a comprehensive counseling program promotes academic achievement and serves the diverse needs of all district students. Counseling staff shall be available to meet with students regarding their educational progress toward academic and/or career goals and, as appropriate, may discuss social, personal, or other issues that may impact student learning.

The Superintendent or designee shall ensure that all persons employed to provide school counseling, school psychology, and/or school social work services shall possess the appropriate credential from the Commission on Teacher Credentialing authorizing their employment in such positions. Responsibilities of each position shall be clearly defined in a job description.

Academic and Career Counseling

The district's academic counseling program shall be designed to assist students to establish immediate and

long-range educational plans, achieve academic standards, prepare for the high school exit examination, and complete the required curriculum in accordance with their individual needs, abilities, and interests. Insofar as possible, parents/guardians shall be included when making educational plans.

Beginning in grade 7, parents/guardians shall receive a general notice at least once before career counseling and course selection so that they may participate in the counseling sessions and decisions. (Education Code 221.5)

The counseling program for high school students may include, at appropriate grade levels:

1. Information about courses needed for admission to colleges and universities, standardized admission tests, financial aid, and scholarships

2. An opportunity for each student and, if practicable, his/her parent/guardian to meet with a counselor to discuss the student's career goals, available educational and career technical education options, and community and workplace experiences to support the student's goals

3. Monitoring of each student's fulfillment of required coursework and progress toward promotion and graduation, and notification of the student and his/her parent/guardian of remaining academic requirements

4. Additional specialized counseling services for students identified as at risk of not graduating with their class

The Superintendent or designee shall establish and maintain a program of guidance, placement, and follow-up for all high school students subject to compulsory continuation education. (Education Code 48431)

No counselor shall unlawfully discriminate against any student. Guidance counseling regarding school programs and career, vocational, or higher education opportunities shall not be differentiated on the basis of any protected category specified in BP 0410 - Nondiscrimination in District Programs and Activities.

In addition, counselors shall affirmatively explore with students the possibility of careers, or courses leading to careers, that are nontraditional for that student's sex. (Education Code 221.5)

For assessing or counseling students, the district shall not use testing or other materials that permit or require impermissible or unlawful differential treatment of students. (5 CCR 4931)

Colleges and prospective employers, including military recruiters, shall have the same access to students for recruiting purposes. (Education Code 49603; 10 USC 503; 20 USC 7908)

Personal or Mental Health Counseling

A school counselor, school psychologist, or school social worker may provide individualized personal, mental health, or family counseling to students in accordance with the specialization(s) authorized by his/her credential. Such services may include, but are not limited to, support related to the student's social and emotional development, behavior, substance abuse, mental health assessment, depression, or mental illness. As appropriate, students and their parents/guardians shall be informed about community agencies, organizations, or health care providers that offer qualified professional assistance.

Written parent/guardian consent shall be obtained before mental health counseling or treatment services are provided to a student, except when the student is authorized to consent to the service pursuant to Family Code 6920-6929, Health and Safety Code 124260, or other applicable law.

Any information of a personal nature disclosed to a school counselor by a student age 12 years or older or by his/her parent/guardian is confidential and shall not become part of the student record without the written consent of the person who disclosed the confidential information. The information shall not be revealed, released, discussed, or referred to except under the limited circumstances specified in Education Code 49602. (Education Code 49602)

A counselor shall consult with the Superintendent or designee and, as appropriate, with the district's legal counsel whenever unsure of how to respond to a student's personal problem or when questions arise regarding the possible release of confidential information regarding a student.

Crisis Counseling

The Board recognizes the need for a prompt and effective response when students are confronted with a traumatic incident. School counselors shall assist in the development of the comprehensive school safety plan, emergency and disaster preparedness plan, and other prevention and intervention practices designed to assist students and parents/guardians before, during, and after a crisis.

In addition, the Superintendent or designee shall identify crisis counseling resources to train district staff in effective threat assessment, appropriate response techniques, and/or methods to directly help students cope with a crisis if it occurs.

Early identification and intervention plans shall be developed to help identify those students who may be at risk for violence so that support may be provided before they engage in violent or disruptive behavior.

Teacher-Based Advisory Program

The Board recognizes that a supportive, ongoing relationship with a caring adult can provide a student with valuable advice, enhance student-teacher relationships, and build the student's feelings of connectedness with the school. The Board authorizes the development of a teacher-based advisory program in which teachers advise students in such areas as academic planning, character development, conflict resolution, and self-esteem. Any teacher participating in this program shall be under the supervision of a credentialed school counselor as appropriate, receive related information and training, and be subject to this Board policy and law, including requirements pertaining to student confidentiality and nondiscrimination.

Policy adopted: 06/23/2015

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Transportation Safety and Emergencies AR 3543

Cautionary Notice: Government Code 17581.5 relieves districts from the obligation to perform specified mandated activities when the Budget Act does not provide reimbursement during that fiscal year. The Budget Act of 2018 (SB 840, Ch. 29, Statutes of 2018) extends the suspension of these requirements

through the 2018-19 fiscal year. As a result, certain provisions of the following administrative regulation related to transportation safety plans and safety instruction for students may be suspended.

Each day, prior to driving a school bus, each school bus driver shall inspect the bus to ensure that it is in safe operating condition and equipped as required by law and that all equipment is in good working order. At the completion of each day's work, the driver shall prepare and sign a written report of the condition of the equipment specified in 13 CCR 1215. The report shall indicate any defect or deficiency discovered by or reported to the driver which would affect safe operation or result in mechanical breakdown of the bus. If no defect or deficiency is discovered or reported, the driver shall so indicate on the report. Any defect or deficiency that would affect safe operation shall be repaired prior to operating the bus. (13 CCR 1215)

Passenger Restraint Systems

The Superintendent or designee shall ensure that any school bus or student activity bus which is purchased or leased by the district is equipped with a combination pelvic and upper torso passenger restraint system at all designated seating positions if that bus: (Vehicle Code 27316, 27316.5; 13 CCR 1201)

1. Type 1 school bus designed for carrying more than 16 passengers and the driver, and was manufactured on or after July 1, 2005[1]

2. Type 2 school bus or student activity bus designed for carrying 16 or fewer passengers and the driver, or for carrying 20 or fewer passengers and the driver if the bus has a manufacturer's vehicle weight rating of 10,000 pounds or less, and was manufactured on or after July 1, 2004[2]

The Superintendent or designee shall prioritize the allocation of school buses purchased, leased, or contracted to ensure that elementary students receive first priority for new school buses equipped with passenger restraint systems whenever feasible.

When a school bus or student activity bus is equipped with a passenger restraint system, all passengers shall use the passenger restraint system. (5 CCR 14105)

When appropriate, bus drivers may be instructed regarding procedures to enforce the proper use of the passenger restraint system. Students who fail to follow instructions of the bus driver may be subject to discipline, including suspension of riding privileges, in accordance with Board policy and administrative regulations.

Fire Extinguishers

Each school bus shall be equipped with at least one fire extinguisher, located in the driver's compartment, which meets the standards specified in law. In addition, a wheelchair school bus shall have another fire extinguisher placed at the wheelchair loading door or emergency exit. All fire extinguishers shall be regularly inspected and serviced in accordance with regulations adopted by the State Fire Marshal. (Education Code 39838; 13 CCR 1242; 19 CCR 574-575.3)

Child Safety Alert System

In accordance with Vehicle Code 28160, each school bus or student activity bus shall be equipped with an operational child safety alert system at the interior rear of the bus that requires the driver to either manually contact or scan the device, thereby prompting the driver to inspect the entirety of the interior of the vehicle

before exiting.

A student activity bus that does not have a child safety alert system may be used only if all of the following apply: (Vehicle Code 28160)

1. The student activity bus is not used exclusively to transport students.

2. When the student activity bus is used to transport students, the students are accompanied by at least one adult chaperone selected by a school official. If an adult chaperone is not a school employee, the chaperone shall meet the requirements for a school volunteer.

3. One adult chaperone has a list of every student and adult chaperone, including a school employee, who is on the student activity bus at the time of departure.

4. The driver has reviewed all safety and emergency procedures before the initial departure, and the driver and adult chaperone have signed a form, with the time and date, acknowledging that the safety plan and procedures were reviewed.

5. Immediately before departure from any location, the adult chaperone shall account for each student on the list of students, verify the number of students to the driver, and sign a form indicating that all students are present or accounted for.

6. After students have exited a student activity bus, and before driving away, the driver shall check all areas of the bus, including, but not limited to, overhead compartments and bathrooms, to ensure that the bus is vacant.
7. The driver shall sign a form with the time and date verifying that all required procedures have been followed.

8. The information required to be recorded pursuant to items #4, 5, and 7 may be recorded on a single form and shall be retained by the district for a minimum of two years.

Electronic Communications Devices

A bus driver is prohibited from driving a school bus or student activity bus while using a wireless telephone or other electronic wireless communications device except for work-related or emergency purposes, including, but not limited to, contacting a law enforcement agency, health care provider, fire department, or other emergency service agency or entity. In any such permitted situation, the driver shall only use a wireless telephone or device that is specifically designed and configured to allow voice-operated and hands-free operation or a function that requires only a single swipe or tap of the driver's finger provided the device is mounted on the windshield, dashboard, or center console of the bus. (Vehicle Code 23123.5, 23125)

Safe Bus Operations

School buses and student activity buses shall not be operated whenever the number of passengers exceeds bus seating capacity, except when necessary in emergency situations which require that individuals be transported immediately to ensure their safety. (Education Code 39834)

School bus operations shall be limited when atmospheric conditions reduce visibility on the roadway to 200 feet or less during regular home-to-school transportation service. Bus drivers for school activity trips may

discontinue bus operation whenever they determine that it is unsafe to continue operation because of reduced visibility. (Vehicle Code 34501.6)

Unauthorized Entry

The Superintendent or designee may place a notice at bus entrances that warns against unauthorized entry. The driver or another school official may order any person to disembark if that person enters a bus without prior authorization. (Education Code 39842; 13 CCR 1256.5)

Transportation Safety Plan for Boarding and Exiting Buses

The Superintendent or designee shall develop a transportation safety plan containing procedures for school personnel to follow to ensure the safe transport of students. The plan shall address all of the following: (Education Code 39831.3)

1. Determination of whether students in grades prekindergarten through 8 require an escort to cross a private road or highway at a bus stop pursuant to Vehicle Code 22112

2. Procedures for all students in grades prekindergarten through 12 to follow as they board and exit the bus at their bus stops

3. Boarding and exiting a school bus at a school or other trip destination

4. Procedures to ensure that a student is not left unattended on a school bus, student activity bus, or, if applicable, youth bus

5. Procedures and standards for designating an adult chaperone, other than the driver, to accompany students on a school activity bus

A copy of the plan shall be kept at each school site and made available upon request to the California Highway Patrol (CHP). (Education Code 39831.3)

Parental Notifications

The Superintendent or designee shall provide written safety information to the parents/guardians of all students in grades prekindergarten through 12who have not previously been transported in a district school bus or student activity bus. This information shall be provided upon registration and shall contain: (Education Code 39831.5)

1. A list of school bus stops near each student's home

2. General rules of conduct at school bus loading zones

3. Red light crossing instructions

4. A description of the school bus danger zone

5. Instructions for safely walking to and from school bus stops

Student Instruction

Students who are transported in a school bus or student activity bus shall receive instruction in school bus emergency procedures and passenger safety as follows: (Education Code 39831.5; 5 CCR 14102)

1. Each year, all students who receive home-to-school transportation in a school bus shall be provided appropriate instruction in safe riding practices and emergency evacuation drills.

2. At least once each school year, all students in grades prekindergarten through 8 who receive home-to-school transportation shall receive safety instruction which includes, but is not limited to:

   a. Proper loading and unloading procedures, including escorting by the driver

   b. How to safely cross the street, highway, or private road

   c. In school buses with passenger restraint systems, instruction in the use of such systems as specified in 5 CCR 14105, including, but not limited to, the proper fastening and release of the passenger restraint system, acceptable placement of passenger restraint systems on students, times at which the passenger restraint systems should be fastened and released, and acceptable placement of the passenger restraint systems when not in use

   d. Proper passenger conduct

   e. Bus evacuation procedures
   f. Location of emergency equipment

   As part of this instruction, students shall evacuate the school bus through emergency exit doors. Instruction also may include responsibilities of passengers seated next to an emergency exit.

   Each time the above instruction is given, the following information shall be documented:

      a. District name

      b. School name and location

      c. Date of instruction

      d. Names of supervising adults

      e. Number of students participating

      f. Grade levels of students

      g. Subjects covered in instruction

      h. Amount of time taken for instruction

      i. Bus driver's name

j. Bus number

k. Additional remarks

This documentation shall be kept on file at the district office or the school for one year and shall be available for inspection by the CHP.

3. Before departing on a school activity trip, all students riding on a school bus or student activity bus shall receive safety instruction which includes, but is not limited to, the location of emergency exits and the location and use of emergency equipment. This instruction also may include responsibilities of passengers seated next to an emergency exit.

Bus Accidents

In the event of a school bus accident, the driver shall immediately notify the CHP and the Superintendent or designee. The driver shall not leave the immediate vicinity of the bus to seek aid unless necessary. (13 CCR 1219)

The Superintendent or designee shall maintain a report of each accident that occurred on public or private property involving a school bus with students aboard. The report shall contain pertinent details of the accident and shall be retained for 12 months from the date of the accident. If the accident was not investigated by the CHP, the Superintendent or designee shall forward a copy of the report to the local CHP within five work days of the date of the accident. (13 CCR 1234)

The Superintendent or designee shall review all investigations of bus incidents and accidents to develop preventative measures.

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: 03/29/2019 Morgan Hill, California

Athletic Competition AR 6145.2

Nondiscrimination and Equivalent Opportunities in the Athletic Program

No student shall be excluded from participation in, be denied the benefits of, be denied equivalent opportunity in, or otherwise be discriminated against in interscholastic, intramural, or club athletics on the basis of any actual or perceived characteristic specified in law and BP 0410 - Nondiscrimination in District Programs and Activities. (Education Code 220, 221.5, 230; 5 CCR 4920; 34 CFR 106.41)

The Superintendent or designee may provide single-sex teams when selection for the teams is based on competitive skills. (5 CCR 4921; 34 CFR 106.41)

Each student shall be allowed to participate in any single-sex athletic program or activity consistent with his/her gender identity and for which he/she is otherwise eligible to participate, irrespective of the gender listed on the student's records. (Education Code 221.5)

When a school provides only one team in a particular sport for members of one sex, but provides no team in the same sport for members of the other sex, and athletic opportunities in the total program for that sex

have been previously limited, members of the excluded sex shall be allowed to try out and compete with the team. The same standards for eligibility shall be applied to every student trying out for the team, regardless of sex, sexual orientation, gender, gender identity, gender expression, or other protected group status. (5 CCR 4921; 34 CFR 106.41)

The Superintendent or designee shall ensure that equivalent opportunities are available to both sexes in athletic programs by considering, among other factors: (5 CCR 4922; 34 CFR 106.41)

1. Whether the offered selection of sports and levels of competition effectively accommodate the interests and abilities of both sexes

   The athletic program may be found to effectively accommodate the interests and abilities of both sexes using any one of the following tests: (Education Code 230)

   a. Whether the interscholastic-level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments

   b. Where the members of one sex have been and are underrepresented among interscholastic athletes, whether the district can show a history and a continuing practice of program expansion that is demonstrably responsive to the developing interests and abilities of the members of that sex

   c. Where the members of one sex are underrepresented among interscholastic athletes and the district cannot show a history and continuing practice of program expansion as required in item #1b above, whether the district can demonstrate that the interests and abilities of the members of that sex have been fully and effectively accommodated by the present program
2. The provision and maintenance of equipment and supplies
3. Scheduling of games and practice times, selection of the season for a sport, and location of the games and practices
4. Travel and per diem allowances
5. Opportunities to receive coaching and academic tutoring
6. Assignment and compensation of coaches and tutors
7. Provision of locker rooms, practice facilities, and competitive facilities
8. Provision of medical and training facilities and services
9. Provision of housing and dining facilities and services
10. Publicity
11. Provision of necessary funds

Each school that offers competitive athletics shall, at the end of the school year, post on its school website, or on the district web site if the school does not have a web site, the following information: (Education Code 221.9)

1. The total enrollment of the school, classified by gender

2. The number of students enrolled at the school who participate in competitive athletics, classified by gender

3. The number of boys' and girls' teams, classified by sport and by competition level

The data reported for items #1-3 above shall reflect the total number of players on a team roster on the official first day of competition. The materials used to compile this information shall be retained by the school for at least three years after the information is posted on the web site. (Education Code 221.9)

Concussions and Head Injuries

The Superintendent or designee shall annually distribute to student athletes and their parents/guardians an information sheet on concussions and head injuries. The student and parent/guardian shall sign and return the information sheet before the student initiates practice or competition. (Education Code 49475)

The Superintendent or designee shall provide training to coaches and/or athletic trainers regarding concussion symptoms, prevention, and appropriate response. (Education Code 35179.1, 49032)

If a student athlete is suspected of sustaining a concussion or head injury in an athletic activity, he/she shall be immediately removed from the activity for the remainder of the day. The student shall not be permitted to return to the activity until he/she is evaluated by a licensed health care provider trained in the management of concussions and receives the health care provider's written clearance to return to the activity. If the health care provider determines that the athlete sustained a concussion or a head injury, the athlete shall also complete a graduated return-to play protocol of no less than seven days in duration under the supervision of a licensed health care provider. (Education Code 49475)

A middle school or high school football team shall not hold a full-contact practice during the off-season and shall not conduct more than two full-contact practices per week during the preseason and regular season (from 30 days before the commencement of the regular season until the completion of the final interscholastic football game of that season). In addition, the full-contact portion of a practice shall not exceed 90 minutes in any single day. For these purposes, full-contact practice means a practice where drills or live action is conducted that involves collisions at game speed, where players execute tackles and other activity that is typical of an actual tackle football game. (Education Code 35179.5)

Heat Illness

The Superintendent or designee shall provide training to coaches and/or athletic trainers regarding concussion symptoms, prevention of heat illness, coaches and/or athletic trainers shall gradually increase the intensity and duration of exercise to acclimate student athletes to practice in the heat, provide adequate rest breaks, make water available during all athletic activities, and alter practice plans in extreme environmental conditions.

Sudden Cardiac Arrest

The Superintendent or designee shall distribute the California Interscholastic Federation (CIF) information sheet on sudden cardiac arrest to all student athletes who will be participating in a CIF-governed athletic activity and to their parents/guardians. The student and parent/guardian shall sign and return the information sheet prior to the student's participation in the athletic activity. If an athletic activity is not covered by CIF, the student and his/her parent/guardian shall, prior to the student's participation in the athletic activity, sign and return an acknowledgement that they have received and reviewed the sudden cardiac arrest information posted on the California Department of Education's website. (Education Code 33479.2, 33479.3)

The Superintendent or designee shall provide training to coaches and/or athletic trainers regarding the nature and warning signs of sudden cardiac arrest. (Education Code 33479.6, 33479.7, 35179.1, 49032)

If a student athlete passes out or faints, or is known to have passed out or fainted, while participating in or immediately following his/her participation in an athletic activity, the student shall be removed from participation at that time. If a student exhibits any other symptoms of sudden cardiac arrest, including seizures during exercise, unexplained shortness of breath, chest pains, dizziness, racing heart rate, or extreme fatigue, he/she may be removed from participation by a coach or other employee who observes these symptoms. If any such symptoms are observed, notification shall be given to the student's parent/guardian so that the parent/guardian can determine the treatment, if any, the student should seek. A student who has been removed from participation shall not be permitted to return until he/she is evaluated and given written clearance to return to participation by a health care provider. (Education Code 33479.2, 33479.5)

Automated External Defibrillators

The Superintendent or designee shall acquire at least one automated external defibrillator (AED) for each district school and shall make the AED(s) available to coaches, athletic trainers, and/or other authorized persons at athletic activities or events for the purpose of providing emergency care or treatment to students, spectators, and other individuals in attendance at athletic activities and events. (Education Code 35179.6)

The district shall comply with all requirements of Health and Safety Code 1797.196 pertaining to any AED acquired by the district, including, but not limited to, regular maintenance and testing of the AED and the provision and posting of information regarding the proper use of the AED. (Education Code 35179.6; Health and Safety Code 1797.196)

Additional Parental Notifications

Before a student participates in interscholastic athletic activities, the Superintendent or designee shall, in addition to providing his/her parents/guardians with information on the signs and symptoms of concussions and sudden cardiac arrest as described above, send a notice to the student's parents/guardians which:

1. Contains information about the procedures for filing a discrimination complaint that arises out of an interscholastic athletic activity, including the name of the district's Title IX Coordinator

2. Includes a copy of students' Title IX rights pursuant to Education Code 221.8

3. Explains that there is an element of risk associated with all athletic competitions and that the district cannot guarantee that students will not be injured, despite a commitment to every participant's health and welfare

4. Provides information about insurance protection pursuant to Education Code 32221.5

5. Requests parental permission for the student to participate in the program and, if appropriate, be transported by the district to and from competitions

6. States the district's expectation that students adhere strictly to all safety rules, regulations, and

instructions, as well as rules and guidelines related to conduct and sportsmanship

7. Includes a copy of the local CIF league rules

8. Includes information about the CIF bylaw and district policy requiring any student athlete and his/her parent/guardian to sign a statement that the student will not use steroids, unless prescribed by a licensed health care practitioner, or prohibited dietary supplements that include substances banned by the U.S. Anti-Doping Agency

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: 06/12/2019 Morgan Hill, California

School Calendar BP 6111

For each district school, the Governing Board shall adopt a school calendar that meets the requirements of law as well as the needs of the community, students, and the work year as negotiated with the district's employee organization(s). As appropriate, the Superintendent or designee shall ensure that the proposed calendar is aligned with assessment and accountability schedules in order to support the district's goals for student achievement.

Each school calendar shall show the beginning and ending school dates, legal and local holidays, staff development days, orientation days, minimum days, vacation periods, and other pertinent dates.

The district shall offer 180 days of instruction per school year, except for any school year in which the district and employee organization(s) agree to have fewer days of instruction pursuant to the authorization in Education Code 46201.2.

Staff development days shall not be counted as instructional days.

Notification of the schedule of minimum days shall be sent to all parents/guardians at the beginning of the school year. If any minimum days are added to the schedule, the Superintendent or designee shall notify parents/guardians of the affected students as soon as possible and at least one month before the scheduled minimum day. (Education Code 48980)

If a school will be used as a polling place on an election day, the Board shall determine whether to continue school in session, designate the day for staff training and development, or close the school to students and non-classified staff. (Elections Code 12283)

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: 11/13/2012 Morgan Hill, California

Education Code 48980(c) Schedule of Minimum Days and Pupil Free Staff Development Days:

The notification also shall advise the parents and guardians of all pupils attending a school within the school district of the schedule of minimum days and pupil-free staff development days, and if minimum or

pupil-free staff development days are scheduled thereafter, the governing board of the school district shall notify parents and guardians of the affected pupils as early as possible, but not later than one month before the scheduled minimum or pupil-free day.

Evaluation Of the Instructional Program BP 6190

The Governing Board recognizes that it is accountable to students, parents/guardians, and the community for the effectiveness of the district's educational program in meeting district goals for student learning. The Superintendent or designee shall conduct a continual evaluation of the curriculum and the instructional program in order to improve student achievement.

The Superintendent or designee shall provide the Board and the community with regular reports on student progress toward Board-established standards of expected achievement at each grade level in each area of study. In addition, he/she shall evaluate and report data for each district school and for every numerically significant subgroup of the student population, including, but not limited to, school and subgroup performance on statewide achievement indicators.

Based on these reports, the Board shall take appropriate actions to maintain the effectiveness of programs and to improve the quality of education that district students receive.

Categorical Program Monitoring

The Superintendent or designee shall cooperate with the California Department of Education (CDE) in the categorical program monitoring process to ensure that district categorical programs comply with federal and state laws and regulations. The Superintendent or designee shall report to the Board regarding the results of this monitoring process.

Western Association of Schools and Colleges (WASC) Accreditation

The Board believes that accreditation by the Western Association of Schools and Colleges (WASC) can foster excellence and ongoing academic improvement in the district's schools. The results of the accreditation process also may demonstrate to parents/guardians and the community that the schools are meeting their goals and objectives and the WASC criteria for school effectiveness through a viable instructional program.

The Superintendent or designee shall undertake procedures whereby district schools may achieve and maintain full WASC accreditation status. The schools shall conduct a self-study in accordance with WASC requirements, cooperate with the WASC committee during a site visit, and develop and review action plans to increase the effectiveness of the instructional program for students. The Superintendent or designee shall regularly report to the Board on the status of district schools and any WASC recommendations for school improvement.

The results of any inspection of a school by WASC, or any other the accrediting agency, shall be published not later than 60 days after the results are made available to the school. Publication shall be by notifying each parent/guardian in writing and/or by posting the information on the district's or school's web site, as determined by the Superintendent or designee. (Education Code 35178.4)

If any district school loses its accreditation status, the Board shall give official notice at a regularly

scheduled Board meeting. The Superintendent or designee shall provide written notification to each parent/guardian of a student in the school that the school has lost its accreditation status, including the potential consequences of the loss of accreditation status. This notice shall also be posted on the district's web site and the school's web site. (Education Code 35178.4)

Policy
adopted: 11/13/2012

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Your Health Insurance = Student Wellness

California's Children and Youth Behavioral Health Initiative (CYBHI)

Morgan Hill Unified School District participates in California's Children and Youth Behavioral Health Initiative (CYBHI). This initiative helps us provide vital mental health and wellness services to our students. To sustain these programs, the district securely collects health insurance information (Medi-Cal and private insurance) during registration to recover costs for eligible services.

Please note the following regarding this program:

- No Cost to Families: This billing process is entirely free. Your family will never be billed or charged, and your private insurance benefits or copays will not be affected.
- Consent is Required: The district will always obtain consent f before a student receives any direct, individualized behavioral health services.
- Privacy and Confidentiality: All student health and insurance information is kept strictly confidential and is handled in compliance with HIPAA and FERPA privacy laws.

For more detailed information and frequently asked questions on the CYBHI Program, visit the MHUSD website.

ATTENDANCE PRACTICES UPDATE

To ensure that all students have access to and a right to their education, as supported by the District and outlined in ARTICLE 5. Truants [48260 - 48273] (Article 5 enacted by Stats. 1976, Ch. 1010), we are implementing the following attendance policy:

Attendance Verification Requirement

Chronic Absenteeism: A student is classified as a chronic absentee if absent on 10 percent or more of the school days in a school year. This is defined in California Education Code (EC) Section 60901(c)(1). This translates to an attendance rate falling below 90%.

Truancy: According to EC 48260(a), a pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse for three full days in one school year or tardy or absent for more than 30 minutes during the school day without a valid excuse on three occasions in one school year, or any combination thereof, shall be classified as a truant and will be reported to the attendance supervisor or superintendent of the school district.

1. **Attendance Below 90%**: Once a student's attendance rate falls below 90%, the student will be considered "Chronically Absent" and must verify all subsequent absences.

2. **Verification of Absences**: Absences can be verified through a doctor's note or other means necessary to prove the reason for the student's absence. All verified absences will be excused and will not count towards truancy.
3. **Chronic Illness**: If your child suffers from an ongoing illness known as a Chronic Illness, please contact the school to discuss options and solutions to support your child's education.

We aim to be as flexible and understanding as possible while ensuring all students receive their full education. Thank you for your cooperation and understanding.

Attachments:

1. School Calendar
2. Career Technical Education (CTE) Annual Notification
3. Request to Withhold Authorization to Film/Photograph Minors for Publication
4. Animals in the Classroom
5. Parent/Guardian Notice Release of Directory Information
6. Computer Systems/Internet/Email Acceptable Use Agreement
7. Student-Technology Acceptable Use Agreement
8. Receipt of Rights and Responsibilities Material (required)

MORGAN HILL UNIFIED SCHOOL DISTRICT
2026- 2027 TRADITIONAL CALENDAR

LEGEND

H - Legal Holiday

N - School Closed

M - Elementary Minimum Days

SN - Secondary Non-School Day Semester Day

EN - Elementary Non-School Day Conference Day

Non-School Day - Prof. Dev. for Teachers

★ First and last days of School

Q1 - Qtr 1 Ends
Q3 - Qtr 3 Ends

T1 - Trimester Ends
T2 - Trimester Ends

S1 - Semester 1 Ends

CAASP Testing X/XX - X/XX

T1 = 60 Days
T2 = 57 Days
T3 = 63 Days

Sem 1 = 83 Days
Sem 2 = 97 Days

JULY 2026

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OCTOBER

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NOVEMBER

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DECEMBER

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JANUARY 2027

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Approved by Board of Education: 09/04/2025
Subject to budget cuts and future negotiations.

CAREER TECHNICAL EDUCATION
CTE ANNUAL NOTIFICATION

Prior to the beginning of each school year, the Morgan Hill Unified School District informs students, parents, employees and general public that all Career Technical Education (CTE) opportunities are offered to all students.

Pursuant to Board Policy 0410, you are hereby notified that:

The Morgan Hill Unified School District is committed to ensuring equal, fair, and meaningful access to various educational programs, including career technical education (CTE). The District is committed to providing equal opportunity to all individuals in district programs and activities. District programs, activities and practices shall be free from unlawful discrimination, including discrimination against an individual or group based on race, color, national origin, sex, disability, actual or perceived ethnicity, gender, gender identity, gender expression, immigration status, sexual orientation, or association with a person or a group with one of more of these actual or perceived characteristics.

In addition, Board Policy 6178 also states that the Board of Education desires to provide a comprehensive career technical education (CTE) program in the secondary grades which integrates core academic instruction with technical and occupational instruction in order to increase student achievement, graduation rates, and readiness for postsecondary education and employment. The district's CTE program shall be designed to help students develop the academic, career, and technical skills needed to succeed in a knowledge- and skills-based economy. The program shall include a rigorous academic component and provide students with a strong experience and understanding of all aspects of an industry.

All career technical education (CTE) courses are offered without regard to actual or perceived characteristics protected from discrimination by law. The District ensures that the lack of English language skills will not be a barrier to admission and participation in the CTE program. (20 USC 2354; 34 CFR 100 Appendix B, 104.8, 106.9).

(cf.0410 – Nondiscrimination in District Programs and Activities)
(cf. 1312.3 – Uniform Complaint Procedures)

The Morgan Hill Unified School District currently offers career technical education (CTE) programs as follows:

SCHOOL	CTE PATHWAY/INDUSTRY SECTOR	DESCRIPTION
Ann Sobrato High School	Agriculture and Natural Resources	The Agriculture and Natural Resources sector is designed to provide a foundation in agriculture for all agriculture students in California. Students engage in an instructional program that integrates academic and technical preparation and focuses on career awareness, career exploration, and skill preparation in seven pathways. The pathways emphasize real-world, occupationally relevant experiences of significant scope and depth in Agricultural Business, Agricultural Mechanics, Agriscience, Animal Science, Forestry and Natural Resources, Ornamental Horticulture, and Plant

		and Soil Science. Integral components of classroom and laboratory instruction, supervised agricultural experience projects, and leadership and interpersonal skills development prepare students for continued training, advanced educational opportunities, or entry to a career.
Ann Sobrato High School	Arts, Media, and Entertainment	Of all the career industries, the Arts, Media, and Entertainment sector requires perhaps the greatest cross-disciplinary interaction because the work in this sector has a propensity to be largely project-based, requiring both independent work and interdependent management skills for career success. New technologies are also constantly reshaping the boundaries and skill sets of many arts career pathways. Consequently, core arts-sector occupations demand constantly varying combinations of artistic imagination, metaphoric representation, symbolic connections, and technical skills. Successful career preparation involves both broad and in-depth academic and technical preparation as well as the cultivation of twenty-first-century skill assets, such as flexibility, problem-solving abilities, and interpersonal skills. Careers in the Arts, Media, and Entertainment sector fall into four general pathways: Design, Visual, and Media Arts; Performing Arts; Production and Managerial Arts; and Game Design and Integration. The anchor and pathway standards make explicit the appropriate knowledge, skills, and practical experience students should have in order to pursue their chosen profession, whether that profession requires postsecondary education, graduate training, or apprenticeship. Learning the skills and knowledge for creating, refining, and sharing work in the Arts, Media, and Entertainment industry sector promotes teamwork, communication, creative thinking, and decision-making abilities—traits that are necessary to function successfully in the competitive and media-rich twenty-first century. Through the manipulation of sight, sound, and motion, those choosing a pathway from this sector reach out in unique ways to enhance the quality of life for those around them.
Ann Sobrato High School	Health Science and Medical Tech - Patient Care	The standards in this sector represent the academic and technical skills and knowledge students need to pursue a full range of career opportunities in health science and medical technology, from entry level to management as well as technical and professional career specialties. The standards describe what workers need to know and be able to do to contribute to the delivery of safe and effective health care. The six career pathways are grouped into functions that have a common purpose and require similar attributes. The pathways are Biotechnology, Patient Care, Health Care Administrative Services, Health Care Operational Support Services, Public and Community Health, and Mental and Behavioral Health. Standards for each career path build on and continue the anchor standards with more complexity, rigor, and career specificity.
Ann Sobrato High School	Information and Communication	Information and Communication Technologies (ICT)

	Tech	have expanded the need for employees who can understand, manage, and support all rapidly emerging, evolving, and converging computer, software, networking, telecommunications, Internet, programming, and information systems. Essential skills for careers in the ICT sector include understanding systems that support the management and flow of data, the ability to work well and communicate clearly with people, and the ability to manage projects efficiently. The ICT sector meets national criteria for high demand, high wages, and high skills and provides students with excellent opportunities for interesting work and good pay.
Central Continuation High School	Arts, Media, and Entertainment	Of all the career industries, the Arts, Media, and Entertainment sector requires perhaps the greatest cross-disciplinary interaction because the work in this sector has a propensity to be largely project-based, requiring both independent work and interdependent management skills for career success. New technologies are also constantly reshaping the boundaries and skill sets of many arts career pathways. Consequently, core arts-sector occupations demand constantly varying combinations of artistic imagination, metaphoric representation, symbolic connections, and technical skills. Successful career preparation involves both broad and in-depth academic and technical preparation as well as the cultivation of twenty-first-century skill assets, such as flexibility, problem-solving abilities, and interpersonal skills. Careers in the Arts, Media, and Entertainment sector fall into four general pathways: Design, Visual, and Media Arts; Performing Arts; Production and Managerial Arts; and Game Design and Integration. The anchor and pathway standards make explicit the appropriate knowledge, skills, and practical experience students should have in order to pursue their chosen profession, whether that profession requires postsecondary education, graduate training, or apprenticeship. Learning the skills and knowledge for creating, refining, and sharing work in the Arts, Media, and Entertainment industry sector promotes teamwork, communication, creative thinking, and decision-making abilities—traits that are necessary to function successfully in the competitive and media-rich twenty-first century. Through the manipulation of sight, sound, and motion, those choosing a pathway from this sector reach out in unique ways to enhance the quality of life for those around them.
Live Oak High School	Agriculture and Natural Resources	The Agriculture and Natural Resources sector is designed to provide a foundation in agriculture for all agriculture students in California. Students engage in an instructional program that integrates academic and technical preparation and focuses on career awareness, career exploration, and skill preparation in seven pathways. The pathways emphasize real-world, occupationally relevant experiences of significant scope and depth in Agricultural Business, Agricultural Mechanics, Agriscience, Animal Science, Forestry and Natural Resources, Ornamental Horticulture, and Plant and Soil Science. Integral components of classroom and

		laboratory instruction, supervised agricultural experience projects, and leadership and interpersonal skills development prepare students for continued training, advanced educational opportunities, or entry to a career.
Live Oak High School	Arts, Media, and Entertainment	Of all the career industries, the Arts, Media, and Entertainment sector requires perhaps the greatest cross-disciplinary interaction because the work in this sector has a propensity to be largely project-based, requiring both independent work and interdependent management skills for career success. New technologies are also constantly reshaping the boundaries and skill sets of many arts career pathways. Consequently, core arts-sector occupations demand constantly varying combinations of artistic imagination, metaphoric representation, symbolic connections, and technical skills. Successful career preparation involves both broad and in-depth academic and technical preparation as well as the cultivation of twenty-first-century skill assets, such as flexibility, problem-solving abilities, and interpersonal skills. Careers in the Arts, Media, and Entertainment sector fall into four general pathways: Design, Visual, and Media Arts; Performing Arts; Production and Managerial Arts; and Game Design and Integration. The anchor and pathway standards make explicit the appropriate knowledge, skills, and practical experience students should have in order to pursue their chosen profession, whether that profession requires postsecondary education, graduate training, or apprenticeship. Learning the skills and knowledge for creating, refining, and sharing work in the Arts, Media, and Entertainment industry sector promotes teamwork, communication, creative thinking, and decision-making abilities—traits that are necessary to function successfully in the competitive and media-rich twenty-first century. Through the manipulation of sight, sound, and motion, those choosing a pathway from this sector reach out in unique ways to enhance the quality of life for those around them.
Live Oak High School	Building and Construction Trades	This sector provides a foundation in the Building and Construction Trades industry for secondary students in California. Students engage in an instructional program that integrates academic and technical preparation and focuses on career awareness, career exploration, and skill preparation in the Building and Construction Trades industry. The sector encompasses four career pathways: Cabinetry, Millwork, and Woodworking; Engineering and Heavy Construction; Mechanical Systems Installation and Repair; and Residential and Commercial Construction. These pathways emphasize processes, systems, and the way in which structures are built. The knowledge and skills are acquired in a sequential, standards-based pathway program that integrates hands-on, project-based, and work-based instruction. Standards included in the Building and Construction Trades sector are designed to prepare students for technical training, postsecondary education, and entry to a career.

Live Oak High School	Hospitality, Tourism, and Recreation	The Hospitality, Tourism, and Recreation sector provides students with the academic and technical preparation necessary to pursue high-skill, high-demand careers in these related and growing industries. The sector encompasses three distinct, yet interrelated, career pathways: Food Science, Dietetics, and Nutrition; Food Service and Hospitality; and Hospitality, Tourism, and Recreation. The standards are designed to integrate academic and career technical concepts. The anchor standards include Consumer and Family Studies comprehensive technical knowledge and skills that prepare students for learning in the pathways. The knowledge and skills are acquired within a sequential, standards-based pathway program that integrates hands-on projects, work-based instruction, and leadership development such as that offered through Family, Career and Community Leaders of America (FCCLA). Standards in this sector are designed to prepare students for technical training, postsecondary education, and entry to a career.
Live Oak High School	Information and Communication Tech	Information and Communication Technologies (ICT) have expanded the need for employees who can understand, manage, and support all rapidly emerging, evolving, and converging computer, software, networking, telecommunications, Internet, programming, and information systems. Essential skills for careers in the ICT sector include understanding systems that support the management and flow of data, the ability to work well and communicate clearly with people, and the ability to manage projects efficiently. The ICT sector meets national criteria for high demand, high wages, and high skills and provides students with excellent opportunities for interesting work and good pay.

For inquiries regarding CTE pathways, contact:

Dr. Diana M. Jiménez, Assistant Superintendent of Educational Services, CTE Director, 15600 Concord Circle, Morgan Hill, California 95037, (408) 201-6070

For inquiries regarding Title II Funds contact:

Corina Sapien, Director of Family and Community Engagement, Title II Coordinator, 80 W. Central Ave, Morgan Hill, CA 95037, (408) 201-6173

For inquiries regarding 504 Compliance, contact:

Jessie Swift, Director of Student Services/Enrollment, Section 504 Coordinator, 15600 Concord Circle, Morgan Hill, California 95037, (408) 201-6030

For inquiries regarding Title IX Compliance, contact:

Assistant Superintendent of Human Resource Designee, Title IX Coordinator, 15600 Concord Circle, Morgan Hill, CA 95037, (408) 201-6015

WITHHOLD AUTHORIZATION TO VIDEO/PHOTOGRAPH MINORS FOR PUBLICATION
and/or
PUBLISH PHOTOGRAPHS, NAME, WRITTEN WORK OR ARTWORK OF MINORS ON A DISTRICT MAINTAINED WEB PAGE
2026 - 27 Academic Year

Video/Photograph Minors for Publication
The Morgan Hill Unified School District attempts to control media access to campus according to law. Media representatives who may lawfully be on school campuses of the Morgan Hill Unified School District may occasionally photograph or video students.

Parents and guardians should use this form to withhold authorization for media representatives to publish and/or broadcast photographs or video individually identifying their child or children.

The District will use its best efforts to so inform all media representatives who follow District requirements to register prior to coming on campus. However, the District cannot guarantee that the media representative will comply with parental preference as indicated on this form. Additionally, in the event of spontaneous, unplanned, or unauthorized media presence on campus, the District may not be able to inform the media representatives of a parent's preference.

Publish Photographs, Name, Written Work or Artwork of Minors on a District Maintained Web Page

The Morgan Hill Unified School District maintains a central web site (*www.mhu.k12.ca.us*), as well as individual school web pages. The purpose of these pages is to inform the community about our district and to share work created by students and staff. These web pages are located on the World Wide Web (www) and can be seen throughout the world by people with access to the Internet.

Parents and guardians should use this form to withhold authorization from the District to publish photographs individually identifying their child, or to publish their child's name, written work or artwork on any web site maintained by the Morgan Hill Unified School District. **Note: By initialing option (a) below, parents may prohibit publication of photographs EXCEPT for the school yearbook and school newspaper.**

As Defined in Civil Code Section 3344:

"A photograph means any photograph or photographic reproduction, still or moving, or any videotape or live television transmission, or any person, such that the person is readily identifiable. A person shall be deemed to be readily identifiable from a photograph when one who views the photograph with the naked eye can reasonably determine that the person depicted in the photograph is the same person who is complaining of its unauthorized use. Use of a name, voice, signature, photograph, or likeness in connection with any news, public affairs, or sports broadcast or account, or any political campaign, shall not constitute a use for which consent is required."

_____ Initials (a) I **DO NOT** authorize the Morgan Hill Unified School District or media representatives to publish and/or broadcast photographs and/or film individually identifying my child, **EXCEPT for the school year book and school newspaper.**

_____ Initials (b) I **DO NOT** authorize the Morgan Hill Unified School District or media representatives to publish and/or broadcast photographs and/or film individually identifying my child (**INCLUDING** the school year book and school newspaper).

_____ Initials (c) I **DO NOT** authorize the Morgan Hill Unified School District to publish photographs individually identifying my child, or to publish my child's name, written work or artwork **on any web site** maintained by the Morgan Hill Unified School District.

_____ Child's Name

_____ School

_____ Signature of Parent or Guardian

_____ Date

Morgan Hill Unified School District
15600 Concord Circle
Morgan Hill, CA 95037
408-201-6023

Dear Parents/Guardians:

Animals are used occasionally in the classrooms as part of the educational program with the approval of the principal. The school's science program may provide the opportunity for children to observe, handle and take care of animals. From time-to-time parents express concern about possible dangers to their children, e.g., injuries or allergies. Usually, the advantage of contact with the animals outweighs the hazards; however, parents and legal guardians in the Morgan Hill Unified School District make the decision in this matter. The only pupils who are not allowed to handle the mice, rats, rabbits, etc. that are in the classroom, are pupils whose parents have opted them out of participation.

Under no circumstances may an animal be transported on a school bus. All animals must have appropriate containers or cages. Venomous or poisonous reptiles and amphibians are not allowed on school grounds.

If you DO NOT wish your child to handle animals or certain animals, please complete and return the slip below to your child's classroom teacher.

TO: _____ Teacher

My son/daughter _____ DOES NOT have my permission to handle the animals, which may be part of the regular classroom instructional program.

Comments:_____

_____

_____

_____

_____

Parent/Guardian Name (Please print)

_____ _____

Parent/Guardian Signature **Date**

MORGAN HILL UNIFIED SCHOOL DISTRICT

PARENT/GUARDIAN NOTICE
RELEASE OF DIRECTORY INFORMATION

The Family Educational Rights and Privacy Act (FERPA), a federal law, requires that the Morgan Hill Unified School District, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, the district may disclose appropriately designated "directory information" without written consent, unless you have advised the district to the contrary in accordance with district procedures (Board Policy/Administrative Regulation 5341). The primary purpose of directory information is to allow the district to include this type of information from your child's education records in certain school and/or district publications. Examples include:

- A playbill, showing your child's role in a drama production
- The annual yearbook
- Honor roll or other recognition lists
- Graduation programs, and
- Sports activity sheets, such as for wrestling, showing weight and height of team members

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent/guardian's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require districts receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories – names, addresses and telephone listings – unless parents/guardians have advised the district that they do not want their child's information disclosed without their prior written consent.

REQUEST TO WITHHOLD DIRECTORY INFORMATION FORM

I _____, parent/guardian to _____do **not** want the district to disclose directory information from my child's education records without my prior written consent.

_____(Signature)

_____(Date signed)

* Please refer to Board Policy/Administrative Regulation 5125.1 for details of the district's policies regarding release of directory information.

MORGAN HILL SCHOOL DISTRICT

STUDENT-TECHNOLOGY ACCEPTABLE USE AGREEMENT

The purpose of this Acceptable Use Agreement ("Agreement") is to ensure a safe and appropriate environment for all students. This Agreement notifies parents and students about the acceptable ways in which District Technology may be used. The Morgan Hill Unified School District ("District") recognizes and supports advances in technology and provides an array of technology resources for students to use to enhance learning and education. While these technologies provide a valuable resource to students, it is important that students' use of technology be appropriate for school purposes.

Pursuant to Board Policy 6163.4, only Users of District Technology who submit a signature acknowledging receipt and agreement to the terms of use outlined in this Agreement are authorized to use District Technology.

Terms of Use

Acceptable Use: District students are only permitted to use District Technology for purposes which are safe (pose no risk to students, employees or assets), legal, ethical, do not conflict with the mission of the District, and are compliant with all other District policies. Usage that meets these requirements is deemed "proper" and "acceptable" unless specifically excluded by this policy or other District policies. The District reserves the right to restrict online destinations through software or other means.

Additionally, the District expressly prohibits:

1. Using District Technology for commercial gain;
2. Accessing District Technology for the purpose of gaming or engaging in any illegal activity;
3. Transmission of confidential information to unauthorized recipients;
4. Inappropriate and unprofessional behavior online such as use of threats, intimidation, bullying or "flaming";
5. Viewing, downloading, or transmission of pornographic material;
6. Using District Technology for the creation or distribution of chain emails, any disruptive or offensive messages, offensive comments about race, gender, disabilities, age, sexual orientation, religious beliefs/practices, political beliefs, or material that is in violation of workplace harassment or workplace violence laws or policies;
7. Significant consumption of District Technology for non-school related activities (such as video, audio or downloading large files) or excessive time spent using District Technology for non-school purposes (e.g. shopping, personal social networking, or sports related sites);
8. Knowingly or carelessly performing an act that will interfere with or disrupt the normal operation of computers, terminals, peripherals, or networks, whether

within or outside of District Technology (e.g., deleting programs or changing icon names) is prohibited;

9. Infringe on copyright, license, trademark, patent, or other intellectual property rights; or
10. Disabling any and all antivirus software running on District Technology or "hacking" with District Technology.

Accountability: Users are prohibited from anonymous usage of District Technology. In practice, this means users must sign in with their uniquely assigned District User ID before accessing/ using District Technology. Similarly, "spoofing" or otherwise modifying or obscuring a user's IP Address, or any other user's IP Address, is prohibited. Circumventing user authentication or security of any host, network, or account is also prohibited.

Disclaimer: The District cannot be held accountable for the information that is retrieved via the network. The District will not be responsible for any damages you may suffer, including loss of data resulting from delays, non-deliveries, or service interruptions caused by the District Systems, System Administrators or your own errors or omissions. Use of any information obtained is at your own risk. The District makes no warranties (expressed or implied) with respect to: (a) the content of any advice or information received by a student, or any costs or charges incurred as a result of seeing or accepting any information; or (b) any costs, liability, or damages caused by the way the student chooses to use his or her access to the network.

Password Policy: Passwords must not be shared with anyone and must be treated as confidential information. Passwords must be changed as often as required by the District's IT department. All Users are responsible for managing their use of District Technology and are accountable for their actions relating to security. Allowing the use of your account by another user is also strictly prohibited. All passwords created for or used on any District Technology are the sole property of the District. The creation or use of a password by a student on District Technology does not create a reasonable expectation of privacy.

Responsibility: Users are responsible for their own use of District Technology and are advised to exercise common sense and follow this Agreement in regards to what constitutes appropriate use of District Technology in the absence of specific guidance.

Revocation of Authorized Possession: The District reserves the right, at any time, for any reason or no reason, to revoke a User's permission to access, use, or possess District Technology.

Restriction of Use: The District reserves the right, at any time, for any reason or no reason, to limit the manner in which a User may use District Technology in addition to the terms and restrictions already contained in this Agreement.

Third-Party Technology: Connecting unauthorized equipment to the District Technology, including the unauthorized installation of any software (including shareware and freeware), is prohibited.

Personally Owned Devices: If a student uses a personally owned device to access District Technology or conduct District business, he/she shall abide by all applicable Board policies, administrative regulations, and this Agreement. Any such use of a personally owned device may subject the contents of the device and any communications sent or received on the device to disclosure pursuant to a lawful subpoena or public records request.

Reporting: If a student becomes aware of any security problem (such as any compromise of the confidentiality of any login or account information) or misuse of District Technology, he/she shall immediately report such information to the Superintendent or designee.

Consequences for Violation: Violations of the law, Board policy, or this Agreement may result in revocation of a student's access to District Technology and/or restriction of his/her use of District Technology and/or discipline, up to and including suspension or expulsion. In addition, violations of the law, Board policy, or this Agreement may be reported to law enforcement agencies as deemed appropriate.

Enforcement

Record of Activity: User activity with District Technology may be logged by System Administrators. Usage may be monitored or researched in the event of suspected improper District Technology usage or policy violations.

Blocked or Restricted Access: User access to specific Internet resources, or categories of Internet resources, deemed inappropriate or non-compliant with this policy may be blocked or restricted. A particular website that is deemed "Acceptable" for use may still be judged a risk to the District (e.g. it could be hosting malware), in which case it may also be subject to blocking or restriction.

No Expectation of Privacy: Users have no expectation of privacy regarding their use of District Technology. Log files, audit trails and other data about user activities with District Technology may be used for forensic training or research purposes, or as evidence in a legal or disciplinary matter. Users are on notice that District Technology is subject to search and seizure in order to facilitate maintenance, inspections
, updates, upgrades, and audits, all of which necessarily occur both frequently and without notice so that the District can maintain the integrity of District Technology. All data viewed or stored is subject to audit, review, disclosure and discovery.
Such data may be subject to disclosure pursuant to the Public Records Act (California Government Code section 7920 et seq.). Pursuant to the Electronic Communications Privacy Act of 1986 (18 USC 2510 et seq.), notice is hereby given that there are no facilities provided by District Technology for sending or receiving private or confidential electronic communications. System Administrators have access to all email and will monitor messages. Messages relating to or in support of illegal or inappropriate activities will be reported to the appropriate authorities and/or District personnel.

The District reserves the right to monitor and record all use of District Technology, including, but not limited to, access to the Internet or social media, communications sent or received from District Technology, or other uses within the jurisdiction of the District. Such monitoring/recording may occur at any time without prior notice for any legal purposes

including, but not limited to, record retention and distribution and/or investigation of improper, illegal, or prohibited activity. Students should be aware that, in most instances, their use of District Technology (such as web searches or emails) cannot be erased or deleted. The District reserves the right to review any usage and make a case-by-case determination whether the User's duties require access to and/or use of District Technology which may not conform to the terms of this policy.

Specific Consent to Search and Seizure of District Technology: The undersigned consents to the search and seizure of any District Technology in the undersigned's possession by the District, the District's authorized representative, a System Administrator, or any Peace Officer at any time of the day or night and by any means. This consent is unlimited and shall apply to any District Technology that is in the possession of the undersigned, whenever the possession occurs, and regardless of whether the possession is authorized. The undersigned waives any rights that may apply to searches of District Technology under SB 178 as set forth in Penal Code sections 1546 through 1546.4.

Definitions

Blogging
An online journal that is frequently updated and intended for general public consumption.

E-mail
The electronic transmission of information through a mail protocol such as SMTP or IMAP. Typical e-mail clients include Microsoft Outlook.

Chain e-mail
E-mail sent to successive people. Typically, the body of the note has directions to the reader to send out multiple copies of the note so that good luck or money will follow.

Flaming
The use of abusive, threatening, intimidating, or overly aggressive language in an Internet communication.

Hacking
Gaining or attempting to gain unauthorized access to any computer systems, or gaining or attempting to gain unauthorized access to District Technology.

District Technology
All technology owned or provided by the District to authorized users, including Internet/Intranet/Extranet-related systems, computer hardware, software, Wi-Fi, electronic devices such as tablet computers, USB drives, cameras, smart phones and cell phones, telephone and data networks (including intranet and Internet access), operating systems, storage media, wireless access points (routers), wearable technology, PDA's, network accounts, web browsing, blogging, social networking, and file transfer protocols, email systems, electronically stored data, websites, web applications or mobile applications, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through District-owned or personally owned equipment or devices.

Instant Messaging

A type of communications service that enables the creation of a kind of private chat room with another individual in order to communicate in real time over the Internet.

Internet Resources
Websites, instant messaging applications, file transfer, file sharing, and any and all other Internet applications and activities using either standard or proprietary network protocols. Examples of websites that pose a risk to the District, or are counter to its mission, are malware repositories, sites advocating violence against civil society or against persons based on race, religion, ethnicity, sex, sexual orientation, color, creed or any other protected categories, sites offering gambling activities or that are pornographic in nature.

IP Address
Unique network address assigned to each computing device connected to a network to allow it to communicate with other devices on the network or Internet.

Malware
Malware is any software, application, program, email or other data or executable code which is designed to cause harm to a network or computer or violate any law, statute, policy or regulation in any way. Examples of harmful activity or intent are theft of personal information or intellectual property by phishing or other means, hacking, violation of copyright law (distributing or copying written material without proper authorization), propagation of Spam e-mails, harassment, extortion, denial of service and facilitating access to illegal content (pornography, gambling, etc.). Accessing or storing malware is expressly prohibited unless authorized for research or forensic purposes by appropriately authorized and designated employees.

Network
Any and all network and telecommunications equipment, whether wired or wireless, controlled or owned by the District which facilitate connecting to the Internet.

Phishing
Attempting to fraudulently acquire sensitive information by masquerading as a trusted entity in an electronic communication.

Sensitive information
Classified as Protected Health Information (PHI), Confidential Information or Internal Information.

Spam
Spam is unsolicited nuisance Internet E-mail which sometimes contains malicious attachments or links to websites with harmful or objectionable content.
Spoofing
IP Address spoofing is the act of replacing IP address information in an IP packet with falsified network address information. Each IP packet contains the originating and destination IP addresses. By replacing the true originating IP address with a falsified address a hacker can obscure their network address and hence, the source of a network attack, making traceability of illegal or illegitimate internet activity extremely difficult.

System Administrator
District employees whose responsibilities include District Technology, site, or network administration. System Administrators perform functions including, but not limited to, installing hardware and software, managing a computer or network, auditing District Technology, and keeping District Technology operational.

Unauthorized Disclosure
The intentional or unintentional act of revealing restricted information to people, both inside and/or outside the District, who do not have a need to know that information.

User or Users
Individual(s) whether students or employees, full or part-time, active or inactive, including interns, contractors, consultants, vendors, etc. who have used District Technology, with or without the District's permission.

User ID
Uniquely assigned Username or other identifier used by a student to access the District network and systems.

Student Acknowledgment

I have received, read, understand, and agree to abide by this Agreement and other applicable laws and District policies and regulations governing the use of District Technology. I understand that there is no expectation of privacy when using District Technology. I hereby release the District and its personnel from any and all claims and damages arising from my use of District Technology or from the failure of any technology protection measures employed by the District. I further understand that any violation may result in loss of user privileges, disciplinary action, and/or appropriate legal action.

Name (Please print) _____ Grade: _____

School: _____

Signature: _____ Date: _____

Parent or Legal Guardian Acknowledgment

Morgan Hill Unified School District
15600 Concord Circle
Morgan Hill, CA 95037
408-201-6023

Dear Parent(s)/Guardian(s):

The California Education Code requires that parents be notified yearly regarding their general rights and responsibilities in the education process. Many of these important rights and responsibilities are detailed in this booklet. Please read this information and keep the booklet in a convenient place so you may refer to it during the year if necessary. Additionally, School Accountability Report Cards are published yearly on February 1 and are available at school offices or on line at:

School and District Accountability - Morgan Hill Unified School District

Several forms are required for school records, and require your review and signature:

1. Receipt of Rights and Responsibilities Handbook

Additionally there are optional forms, attached to this booklet:

2. Withhold Authorization to Film/Photograph Minors for Publication
3. Animals in the Classroom
4. Parent/Guardian Notice Release of Directory Information
5. Student-Technology Acceptable Use Agreement

Please sign and return the bottom portion of this letter indicating receipt of this handbook.

I have received and reviewed a copy of the school and district's 2026-2027 Rights and Responsibilities Handbook.

Child's Name:_____ Grade:_____

School: _____

_____

_____

Parent's Signature:_____ Date:_____